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Principal Rainy

AT THE TIME OF HIS THIRD MODERATORSHIP OF THE GENERAL ASSEMBLY

THE LIFE OF
PRINCIPAL RAINY

BY

PATRICK CARNEGIE SIMPSON, M.A.

WITH PORTRAITS

IN TWO VOLUMES

VOL. II

HODDER AND STOUGHTON
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CHAPTER XVI

A CRISIS IN DISESTABLISHMENT

IT was, I think, Sir Robert Peel who said, 'Whatever you do for an establishment, don't legislate.' In the seventies of last century in Scotland, it certainly looked as if the authors of the Patronage Act would have been well advised to remember this counsel. That Act, whatever elements of benefit it may have had, was clearly—as has been pointed out in a former chapter—a reindorsement in the name of the nation of the union between Church and State and that still on the erastian terms laid down before 1843. Against such union the Free Church was the embodied protest, and henceforth that protest, so long passive, woke into action. The effect of this on the country and on political parties was unmistakable. It was in 1874 that the Patronage Act was passed. For two or three years the Free Church let opinion ripen, and in 1877 definitely pronounced for Disestablishment. In the autumn of that same year, the Marquis of Hartington—then the leader of the Liberal party in the retirement of Mr. Gladstone—came down to Scotland to address a meeting on the reorganisation of the party and found the question of Disestablishment so important that he had to treat of it first. He did not regard it as 'ripe for

solution,' but he formally invited the Scottish Liberal party to make up its mind on it, and he pledged the party as a whole thereupon to deal with the question. The words of Lord Hartington's statement are important in view of the subsequent history and should be given *verbatim* :—

'All I can say is that, when, if ever, Scotch opinion, or even Scotch Liberal opinion, is fully formed on this subject, I think that I may venture to say on behalf of the party as a whole that it will be prepared to deal with the question on its merits, and without reference to any other consideration.' [1]

He further described the Patronage Act as 'a step in the direction of Disestablishment.' Certainly the anticipation that that Act would lead to union had proved the sheerest delusion. Union indeed was being spoken of by honoured men in the Established Church such as Lord Polwarth and Professor Charteris, but the communications on the subject between the two Churches (which will be referred to in the next chapter) came to nothing. It is quite clear that——apart from any question about the political justice of Disestablishment—the Free Church was coming more and more plainly to see that what had broken the Scottish Church and what hindered its restoration to unity was simply a political factor. Establishment had become the wedge in Scottish Presbyterianism. Such at least was Principal Rainy's view. As he said :—

'People talked of the duty of the State to religion. One duty of the State to religion is not to keep the Churches divided. The unity of the Church is one of the things for which,

[1] Speech at Edinburgh, Nov. 6, 1877.

according to the Confession of Faith, the magistrate "cares." Have the goodness not to drive wedges into the Church was a natural and reasonable thing to say to the State.'

On the other hand, one may quote the view of the leading man in the Established Church — that Establishment, far from being a 'wedge,' was rather the one bond of ecclesiastical and national order. Here is a terrible picture, from his pen, of what would follow Disestablishment :—

'The larger class, both of clergy and people, especially in the west of Scotland, will sink into the common slough of Presbyterian dissenters ; and all the anti-social feelings which already largely prevail among classes of those dissenters— feelings of vulgar dislike and jealousy of those above them— will largely and rapidly increase.' [1]

A feeling such as this was unquestionably part of the atmosphere of the times. Doubtless many of the smaller minds of the Free Church were stirred by it to unworthy feeling in return. It did not so affect Principal Rainy. In the Assembly he said these words :

'Of course, Moderator, I don't assume that the disestablished Church would count us fit people to unite with. Yet I should be sorry to think there is no way by which the Presbyterianism of Scotland can be made one. Let us not think of the ministers only, but look at the people of our various Churches, look at the masses of available Presbyterianism, if it was brought together and men made to know each other and brought under the influence of what is best in all the Churches, to join together and try what we can make of the Scottish people yet—it is something to make the heart leap to think what that might be ! '

[1] *Blackwood's Magazine*, September 1878. The authorship is avowed in *Memoir of Principal Tulloch*, 338. I shall not fail to quote the worthier Tulloch further on.

The last phrase is a revelation of Principal Rainy such as he rarely allowed himself.

The sense of the importance of the question soon reached Parliament, and in 1878 no fewer than three Scottish members[1] proposed committees of inquiry to examine into the effect of the Patronage Act on the relation between the Churches and to discover what Scotland desired as to the connection between Church and State. The debate included the usual complimentary references to the Disruption with, now added, the frank admission that the loud anticipations made at the passing of the Patronage Act that that measure would lead to union had come to nothing. The Government opposed the appointment of any committee of inquiry, and Mr. Gladstone agreed that this was not the way to elicit the people's mind: 'the organs which the Constitution provides them are sufficient to enable them to convey in an intelligent form to this House what their desires are.' The debate was adjourned and the motions were never heard of again. Like many other things in the relations of Parliament to the Scottish Church, the proposal of a committee was too late. Just as a Patronage bill passed (as the Duke of Argyll and the evangelical party in the Assembly wanted) in the earlier stage of the Ten Years' Conflict would have averted the Disruption, so a committee to inquire into the relations of the Scottish Churches appointed (as Mr. Gladstone and the Free Church asked) before

[1] One of them was Principal Rainy's cousin, Mr. C. S. Parker, member for Perth—now the Right Hon. C. S. Parker, and biographer of Peel and Graham. Mr. Parker said a true word of the Patronage Act in the debate: 'It was a right thing done in the wrong way.'

the passing of the Patronage Act might have averted the demand for Disestablishment. One difference between first and second class statesmanship is just that the former has the foresight which does things *in time*.

I have neither space here nor inclination to enter into a general account of the rise of the Disestablishment movement in Scotland, and we may pass at once to Principal Rainy's direct relations with it at this critical phase of its fortunes. There can be no doubt that, soon after the question became prominent, an effort was made by influential Liberal politicians—including the party whip, W. P. Adam—to minimise the effect of Lord Hartington's declaration on the strength of which disestablishers were taking action and to prevent the subject from being looked on in Scotland as one that might be dealt with by the next Parliament. It was at this point that the two most powerful men who were to influence the issue came into contact. Principal Rainy wrote to Mr. Gladstone on this tendency of party managers, and he received in return an important reply which defined the status of the question afresh. The main paragraphs of Dr. Rainy's letter—dated 8th May 1879—are as follows :—

'On returning to Edinburgh after being absent for some time in Italy, I find among friends with whom I usually act a good deal of anxiety and disturbance of mind in connection with recent utterances of Mr. Adam, and especially in connection with the construction placed on them by members of the Established Church and by newspapers which are in favour of maintaining the Establishment. These utterances are understood to mean that for the present and during next

Parliament the question of Disestablishment is to be treated as outside the sphere of practical politics. It is represented that this attitude is due to pressure brought to bear on the Liberal leaders by members of the Established Church who belong to the Liberal party. This section of the party is considered to have received from the leaders a virtual pledge that they will not meddle with the question during next Parliament. . . .

'Ever since the Marquis of Hartington's well-known speech we have understood that the leaders of the Liberal party held themselves free and ready to take up the question of the Church in Scotland at any time and in any way that might be suggested as reasonable by the political situation and the state of public opinion. We understood that they regarded the question as already a subject for inquiry and discussion, and probably, ere long, a subject for action. We understood, indeed, that they gave no positive pledge to take up the question. But we were far from expecting anything indicating a pledge not to take it up. . . .

'The want of active agitation, so far as it has been wanting, is due mainly to the representations of Mr. Adam and others to the effect that, in consideration of the friendly tone of the Liberal leaders, we ought to refrain from dividing needlessly and prematurely the party to which we naturally look for a candid examination of these Scottish questions and an efficient disposal of them. I have hitherto been in the way of deferring to these representations. . . . If the Liberal leaders have taken any step or given any pledge which disables them from applying themselves to the question, whether by inquiry or by direct action, in next Parliament, we must come to the conclusion that the line we have been persuaded to take is for us weak indeed.'

The following is Mr. Gladstone's reply :—

'73 Harley Street, W., *May 24th*, 1879.

'My dear Sir,—I have received the letter in which you express apprehension lest the leaders of the Liberal party should give a virtual pledge that they will not touch the question of Disestablishment during the next Parliament.

'I do not fall within the description of a leader of the party, but, for one, I have never at any time given such a pledge, to my knowledge, in regard to any question before the public of any kind.

'It is remarkable that nearly at the same time there should have reached me an opposite intimation from some decided opponents of Disestablishment in Scotland. Their fear is that the organisation of the Liberal party may be employed to procure or favour the return to Parliament of persons friendly to that measure; and their desire is that the question should not be raised by the party until the Scottish people shall have had it presented to them as a substantive or main issue, and not merely as a side issue or one mixed up with other issues of a more pressing character.

'I agree in the opinion that the organisation of the party at large should not be employed for or against persons of any of its particular sections, but should be used impartially as between them all; and I certainly desire that this question, which has been recognised as pre-eminently one for the Scottish people to consider, should not be raised by the party until the Scottish people shall have pronounced upon it in a manner which is intelligible and distinct. But I do not find the phrases "main issue" and "side issue" to be sufficiently free from ambiguity to lead me to choose them for the conveyance of my own sentiments; while I think a distinct and intelligible expression must be all for which such gentlemen as I have described would wish to stipulate.

'In my personal sentiments on the subject there is nothing to conceal. They have been matured, I think, as far as the present stage of the discussion admits, and they have been expressed so far as they have been matured. I refer to our discussions in Parliament; and I adhere also to the declaration of Lord Hartington. Those who have done most to advance the agitation of the question were, in my judgment, the authors of the Patronage Act of 1874. It is no part, however, of my duty, either to urge the question forward or to keep it backward. On this principle, and in a spirit of cordial respect and goodwill to all concerned, I have acted and I mean to act.

'As I conceive that misapprehension and jealousy are apt

to arise from separate correspondences carried on in what are, on a subject like this, opposing quarters, I have thought it best to embody in my reply to you all that I have to say in the present state of things on the question of Establishment or no-Establishment in Scotland—a question which I feel satisfied will receive careful and dispassionate consideration, and with respect to which I cannot profess that, in the present condition of imperial affairs, it occupies the first, or nearly the first, place in my mind.'

This letter is somewhat Gladstonian in style and is neutral and even remote in tone. But as a statement of the public position of the question it was satisfactory to the supporters of Disestablishment. It endorsed Lord Hartington's declaration and, declining to enter into questions as to what is a main issue and what a side issue (about which people rarely are got to agree), asked only that the indication of the country's will be 'distinct and intelligible.' As to the subordinate position the question occupied in Mr. Gladstone's own mind 'in the present condition of imperial affairs'—that was easily intelligible. The volcano of the 'Eastern Question' had burst out again; and the aged statesman, leaving the congenial study of whether Homer's theology is not that of the Old Testament, was plunging again into politics—aflame with indignation over the atrocities in Bulgaria and resolved to deliver Britain from Lord Beaconsfield's pro-Turkish régime. A general election took place in 1880. Mr Gladstone came down like a whirlwind on Midlothian and won that entrenchment of Toryism amid unparalleled excitement. Scotland gave him a more enthusiastic devotion than any statesman had ever received in that country, and sent

up to Westminster only sufficient Tory members to fill a first-class railway compartment. Lord Beaconsfield fell—accepting his fall with great dignity—and Mr. Gladstone came into power.

No fair-minded person would claim that the result of this election, so far as Scotland was concerned, was to be taken as the 'distinct and intelligible' declaration of the country on the question of Disestablishment. Certainly, Principal Rainy—who, his strongest opponents must admit, was never a man to attempt to snatch an advantage in controversy—did not so claim it. Nothing could be fairer than his statement of the position of matters after this general election in these words in an article he contributed in 1882 to the *Contemporary Review* on 'Disestablishment in Scotland':—

> 'Mr. Gladstone has not tied his hands or those of his party on the Scottish Church question. It is certain, indeed, that he will not commit his party in this Parliament, nor in any Parliament, to Disestablishment in Scotland without the distinct expression of Scottish opinion first occurring. It is certain, also, that the last general election did not and could not afford the distinct expression desiderated. But Mr. Gladstone has not shut out the possibility of the voice of Scotland becoming audible and clear even during the duration of this Parliament.'[1]

Nothing could be more fairly stated than that.

Up to this point there had been little or nothing that could be called a 'Disestablishment agitation' in Scotland. So far as Principal Rainy himself was concerned, he had certainly led the Free Church to express her mind, and had taken his stand at more

[1] *Contemporary Review*, March 1882.

than one public meeting; but he had carried on no crusade. The movement was progressing by its own momentum. What led to a Disestablishment campaign being undertaken was a renewed and unmistakable effort on the part of a number of officials of the Liberal party to damp down the discussion of the question and so prevent that 'distinct expression' of the will of the Scottish people which had been so plainly invited. This may have been desired not only from quite honourable motives but also from good party reasons, for, of course, many Liberals were Established Churchmen. But, obviously, it meant that there would be no Disestablishment, and the existing ecclesiastical situation—with its plain unreasonableness politically as the Establishment of a minority and its palpable injuriousness ecclesiastically as a source of division in the national Presbyterianism—would go on indefinitely. It was in these circumstances that Principal Rainy found it necessary again to communicate with Mr. Gladstone. In October 1881 he wrote apprising him of the movement definitely in favour of Disestablishment which had taken shape in the Free Church and also in the country. This was little more than a brief note, but in November he wrote again, at greater length, of the fresh official attempt made to damp down this movement. From this letter, the following may be quoted :—

'It appears to us that a very strong disposition exists and has been manifested in influential quarters among the Liberal party in Scotland to suppress the question or indefinitely postpone it. For this purpose they appear to us to make use

of the feelings of loyalty and goodwill existing in the party. The question is waved aside as dangerous and uncomfortable.

'It is right to explain that this impression is not the result on our part of extravagant expectations. We agree that decisive legislative action on the subject is not to be looked for in this Parliament. We also agree that at this stage we cannot expect from statesmen in the position which you occupy, or which Lord Hartington occupies, statements on the merits of the question more specific than those which we have received.

'But having concurred in the policy of forbearing to push the question at last general election and of postponing the legislative decision of it to a future Parliament, we consider the question to be one which falls now to be advanced by frank discussion and expression of opinion, especially on the part of men who claim to be intrusted with the representation of Scottish opinion. We think ourselves entitled to expect that at next general election the question will be raised—*i.e.* no effort will be made to hinder its being raised for parliamentary decision. If so, men's minds must be turned to it and that decision prepared, now.

'We find, on the contrary, a disposition to wave the question aside on various pretexts as not at present to be mentioned, as if some understanding existed to that effect which good Liberals should not violate. In this way, some impression has been produced upon the minds of men—an impression which we feel ourselves bound to undo. If the policy now referred to were allowed to prevail, the necessary consequence would be that next general election, when it comes, will find the country unprepared, and, on that ground, we should be anew subjected to pressure with a view to persuade us not to press the question.

'I may remark that this seems to us very dangerous policy for the party. It tends directly to produce, when the day of battle comes, resentments and dangerous splits within the party. The unity of the Liberal party in Scotland depends on the Established Church members of it being *timeously* prepared to face the inevitable—which many of them would do manfully—instead of their being encouraged to make a stand within the party, which, though useless in the end, may

be injurious and dangerous meanwhile. However, it is not our business to discuss the interests of the party. We feel, at all events, that it is our duty to make the success of the policy of which we complain an impossibility ; and the symptoms I have referred to have impressed us very strongly with the obligation lying upon us to take every possible security that the question shall not be set aside, but shall be fully and clearly in view for next general election.'

Mr. Gladstone replied to this, thanking Principal Rainy for the information he had conveyed, and further recognising the 'considerateness' of his statement.

This correspondence between Mr. Gladstone and Principal Rainy entered on a new phase when the latter had occasion to write an official letter in name of the Church and State Committee of the Free Church, asking the Prime Minister to agree to receive a deputation to state the position the Church had taken on the subject: the reply refers also to the previous letters (one of which has been quoted above), and begins as follows :—

'Dear Dr. Rainy,—I have reflected and taken counsel upon your letter of the 22nd. I had gathered from your previous communication that there was no desire in your Communion to stir at the present juncture the question of Disestablishment in Scotland. And I still presume that I am not to consider this request as modifying the effect of that former communication.'

Mr. Gladstone goes on to describe how full his hands were with the question of Parliamentary procedure, so that other things are thrown into the background, and concludes by saying that to receive a deputation would 'give rise to the charge of a conspiracy between

the Government and you without, so far as I can see, any compensating benefit,' and that 'perhaps therefore you would allow me on some ground not discourteous to suggest that the meeting may for the present be waived.' The opening sentences of this letter suggest the wish which is father to the thought. Certainly the impression that 'there was no desire to stir the question' called for a reply from Dr. Rainy, and he wrote as follows on 8th December :—

'. . . The object of my earlier letters was precisely to prepare you for a public movement which I felt to be near and which would require to be publicly dealt with. I refrained from discussing plans, because I assumed you would not choose to be made responsible in any shape for the form our proceedings might take. But I must have expressed myself unfortunately if I did not convey my anticipation that at the present juncture the question of Disestablishment would be stirred more emphatically than ever before. I think this could be made evident if at some time you had leisure to refer again to these letters.

'At the same time this is now a very subordinate question, for the movement I expected has taken public shape and my letter of the 22nd, resulting from it, was official, and may be read apart from my previous and purely personal communications. What has happened is, in one word, that the Free Church has publicly committed itself to press the question to a solution, and to do so with whatever weight and whatever right belong to her historically or practically in connection with ecclesiastical affairs in Scotland. . . . In these circumstances, our request that a deputation may be received arises from no idea on our part that you have specially a personal relation to the question. It is very far from our desire to attempt to mix you up with our movement as promoting or approving it. The step we have taken requires us to approach the Government, whatever Government may be in power and whatever minister may be at the head of it. I must therefore submit that the request that a deputation may be received is

one which we cannot regard ourselves as having a discretion even to postpone. It follows from the position we have now taken up and the responsibilities we have now accepted. But looking solely to our request and to my letter of the 22nd as conveying it, there are two respects in which your letter suggests the existence of difficulties which it may be our duty to remove. First, my letter of 22nd contained some explanations which were not indispensable to the immediate purpose. The introduction of these might perhaps lead you to regard that letter as more or less a prolongation of previous correspondence. I have therefore re-written and transmit herewith the request for an audience, confining it strictly to that one point. Secondly, your letter suggests that you may feel entitled to have it made quite plain that you stand clear of all responsibility for any movement of ours ; and, it may be, you do not consider us yet to have made this duly apparent. We cordially acknowledge your right to have this point guarded, and I do not think we shall hesitate to make it plain and to consent to its being made plain in any way that may be required.

' I am very sorry indeed to have had occasion to trouble you with this long letter. Still more do I regret to be in the position of not complying and inducing my friends to comply with any suggestion of yours, especially with one so courteously made. But I am absolutely disabled from doing so. The step we have taken as a Church and are beginning to follow out is one which, for good or for evil, we cannot recall. And we must take every means that is legitimately open to us to make its significance apparent and to secure that it shall have its full effect. One such means, the most obvious and the most important, seems to us to be that we should approach the Queen's Government. We do not inquire what reply is likely to be made to us : we do not calculate when legislation in the matter will prove practicable. But we consider it is not too much and not too soon to ask for the Free Church a hearing from the responsible Government of the country.'

I have quoted this letter at length because it gives an impression of the resoluteness that was in

Dr. Rainy's mind—even in dealing with a Prime Minister—when things came to a point which seemed to him important. I do not know if Mr. Gladstone received many letters exactly like this. The result of it was that he appeared to yield and agreed, in a letter sent through his secretary a week later, to receive the deputation before the question should come up in Parliament, where it had been raised by a resolution in favour of Disestablishment of which notice had been given by a Scottish member. But this was long in gaining a place, and the deputation was more than once put off. Several notes passed between Principal Rainy and Mr. Gladstone's secretary on the subject. The Premier pleaded many engrossments, and it was not till a year later that the deputation was at last received. Of this interview I have no record. But I find among Principal Rainy's papers a memorandum—which was submitted by him to Mr. Gladstone for approval as accurate—of a subsequent interview which may be quoted so far as it concerned the Prime Minister :—

'With reference to the matter brought up by the deputation, Mr. Gladstone stated that he abode by all the declarations he had made upon the subject, especially those made during the discussion of the Patronage Bill, adding that he preferred resting on declarations made formerly to framing new ones. He said that the Government has done and would do nothing to discourage the expression of Scottish opinion, of whatever kind, on this subject; and still thought that the opinion expressed through the representatives of the people in Parliament ought to inform and guide the Government and the legislature in the ultimate disposal of the question.'

The struggle indicated above to induce Mr. Gladstone to receive the deputation of the Free Church on this subject is not without significance. It shows the real discouragement put in the way of the stirring of this question and how clear it was that if Disestablishment was ever to be achieved it must be by forcing it on by a strong public demand.

It was in these circumstances that Dr. Rainy made up his mind to take upon himself the burden of a regular agitation throughout the country. I have intimate authority for saying that it was with the most real reluctance he took this step. This remark is not to be misunderstood. It does not mean that he had any hesitation as to the rightness of it. I can testify to his asserting that he took it up and felt called on even to force it forward because he sincerely believed that the demand for Disestablishment was that most in the interests of the religion of the country and the union of the Church. His words on one occasion were that he 'would not have lifted a little finger in it for any other reasons.' And he once declared in the General Assembly :—

> 'To be prominent in this question is just one of the last things that I planned for myself or ever I would have desired. It is a thing which I dislike, but I am in it by the clear force of conscience and of duty to the principles of my own Church and to the general welfare of this dear Scotland.'

But it is not difficult to understand why it was with reluctance he took this step. Necessarily it exposed him to various kinds of hostility and brought him into conflict with brethren—some of them most

honoured men—of the sister Church.[1] And beneath all his strength and apparent coldness, Principal Rainy was the most sensitive of men : if he had the redoubtable chin of a man of will, he had also the mobile mouth of a man of feeling. Still, when a task seemed the duty laid to his hands, he simply did it, and any unpleasantness about it was, as he used to say, ' just part of the day's work.'

He had certainly need at this time of all that a good conscience and a philosophic, not to say a Christian, temper can give ; for during this controversy Principal Rainy became the object of the most unsparing and, one must add, most unscrupulous personal attacks which any public man has had to bear in modern times. Mr. Gladstone during the Home Rule debates or Sir Henry Campbell-Bannerman during the Boer War was fiercely assailed ; yet the sincerity of their motives and the worthiness of their characters were seldom impugned by even the bitterest of their opponents. It was otherwise in the treatment meted out to Principal Rainy during this Disestablishment controversy. In this connection it is impossible to refrain from mentioning the attacks on Principal Rainy which throughout these years, and at times daily, appeared in the columns of the *Scotsman*. At that period the great Edinburgh journal was a Liberal organ and, on the subject of Church and State, declared itself on the side of the principle of religious equality. But its sympathy

[1] I find, during the debates at this time, that the Established Church objected to be called the 'sister Church' and thought she should be called 'mother.' Principal Rainy suggested that the difficulty might possibly be got over by using the term 'mother-in-law.'

with religious equality proved a small thing compared to its antipathy to Principal Rainy. The *Scotsman* tradition—handed down from the days of its zenith under the editorship of Russel—was an unsleeping antagonism to the evangelical interest in the Scottish Church and to anything or any one representative of that interest powerful enough to merit its opposition. The Free Church and Principal Rainy were powerful enough. And, on the plea that he did not base the Disestablishment movement on the ground of religious equality and secularism, it set itself not merely to criticise his views and oppose the cause, but to belittle the man and to impute to him continuously nothing but the shabbiest motives. It was done with ability and at times with a cleverness which is momentarily amusing to read; yet, on glancing through the files, one cannot but feel regret that a great national organ should—whether through unconscious prejudice or deliberately—never have had the justice, not to say magnanimity, to recognise anything worthy in the aims and spirit of one whom to-day no fair-minded man would deny to have been among not only the greatest but also the noblest sons of Scotland of his age. The thing went on for years: at times, as I have said, almost daily; for it was part of the proof of the greatness of this man's place in the public life of Scotland that his enemies could never let him alone. I refer to this because if a portrait of Principal Rainy is to have background or atmosphere, the reader must realise—especially when he may be inclined to think that here is indeed a worthy and even a saintly

character—that, day by day, the leader of the Free Church was being held up to the people of Scotland as the meanest-motived of men and the worldliest of ecclesiastics. Principal Rainy never uttered a word of protest; while in private he never referred with anything but good humour to what he called 'our friend the *Scotsman*.' Once when the *Times*, mentioning him by name, imputed the Disestablishment movement to 'an evil eye,' he wrote in reply :—

> 'You have been good enough to arraign our motives. The first question, I submit, is whether what we ask is just. When people claim what is just, discussion of motives is irrelevant. . . . For the rest, it is absurd for any one who knows Scotland to pretend that a Free Churchman, who is also a Christian and a patriot, can find no worthy reason to advocate Disestablishment.' [1]

This was almost the only time he gave his assailants the satisfaction of knowing he had read their attacks. He just lived down such imputations. But it was not till the very end of his life that they were lived down, and many persons formed a distorted image of Principal Rainy through their miasma. At the time of his death there were universal eulogies to his purity of character; yes—but the maxim that nothing but good must be said of the dead is of far less importance than the law that nothing but truth must be said of the living.[2]

[1] *Times*, 24th January 1882. The *Scotsman's* comment on this (on the following day) was that opposition to Principal Rainy and the Disestablishment movement was based, in part, on the belief that 'the motives by which he is actuated are bad,' and that indeed 'envy, malice, hatred and all uncharitableness are the sole motives of the course now adopted.' This was the text for countless leaders and letters.

[2] I may add here, and be done with the matter, that these constant

It need hardly be said that in his conduct of the Disestablishment controversy, Principal Rainy never stooped to personalities. Indeed the tone of his speeches impresses one even more than their logic. This ought to be said very emphatically. Because, with many of Dr. Rainy's opponents, his 'bitterness' and 'uncharitableness' became stock-expressions. I wish therefore to record my testimony—a testimony such as can be given to few ecclesiastical controversialists—that in the scores of Dr. Rainy's speeches I have read, I have found not a sentence which one would not like to set down here in his biography because of anything unworthy in its spirit.

It is impossible to find space in these pages for lengthy extracts from the numerous speeches he made on this subject during these years. But the position taken should be carefully stated. He was somewhat scrupulously careful—especially in the Assembly—to argue for Disestablishment within the lines of the historic positions of the Scottish

imputations on Principal Rainy have their reflex in his correspondence, in which are letters (probably a small number of those actually received) full sometimes of abuse and sometimes of impertinence. A single example of the latter may be mentioned, not because it is the worst, but because Dr. Rainy's reply is jotted on the back of it and is characteristic. A gentleman whose name I spare (but it is a not unknown one, and his notepaper bears the stamp of a leading Edinburgh club) thought fit to write that he had 'heard it stated' that the Principal was in receipt of money from the Liberation Society, and offering 'to contradict the statement when I hear if it is not true.' The reply is: 'Dear Sir,—I am somewhat surprised at your note. I receive no money directly or indirectly from the Liberation Society. I doubt, however, whether I am doing right in taking any notice of a question conveying an offensive imputation which does not profess to be grounded on anything but gossip. I must add that it is indifferent to me whether you contradict the statement or not. Those who are capable of believing such things, when deprived of this one, will go on to believe something equally groundless.—Yours very truly, ROBERT RAINY.'

Church and, in particular, of the Church in 1843. The contention of the party associated with the views of Dr. Begg was that to ask the Disestablishment of the existing State Church and still more not to ask any other establishment was the very denial of the claim of 1843. The former part of this contention, Principal Rainy characterised as 'audacious.' The Free Church claim—if you come to that—was that the true Church of Scotland was self-disestablished in 1843 and that the 'residuary Establishment' was in that erastian position against which it was the very meaning of the Disruption to protest. If the Free Church asserted, even at the cost of self-disestablishment, certain principles in 1843 and the Establishment was and remained the embodied denial of these principles, the demand for the ending of the latter, far from being a contradiction, is the very corollary of the Disruption. But it was then argued—and on this further point there was some show of reason—that in 1843 they at least 'claimed of right' a purified re-establishment, and that was not done now. It was here that Principal Rainy (as I have said) scrupulously respected the historic position. The Church in 1843 made a claim the legitimacy of which he would not renounce. He would not take the voluntary position that establishment is in itself wrong and that therefore all claims to it—in 1843 or any other time—are necessarily indefensible. But it is one thing to claim a right and another to exercise it. *Cujus petere est, ejus est non petere.* He held that the Church was free at any stage of her history—as free to-day as

she was in 1567 when establishment was first propounded to the already existing reformed Church of Scotland—'to look around and judge what on the whole was best for the Church and nation.' Thus his ground was that of a Disestablishment man on the ground of high, general expediency; not an anti-establishment man on the ground of the voluntary principle. Men like Professor Lindsay openly took the latter ground, but Principal Rainy rather stiffly refused to alter his motions into voluntary phraseology. In one important respect, he was wise. He saved himself from being committed to the logical deductions of abstract voluntaryism, especially the secular solution in public education; and I am inclined to think that this advantage weighed much with him, for he was a very stout supporter of the Bible in schools. But it is not difficult to see that he thus exposed himself to a cross-fire. He wanted Disestablishment: therefore the Church-and-State party attacked him. He would not demand it on grounds of mere voluntaryism: therefore the *Scotsman* could at once declare its adherence to secularism and yet criticise Dr. Rainy, and here—personalities apart—it made an effective criticism.

Now it is worth while pausing for a moment to say it was characteristic of Principal Rainy's mind that, exposed to this cross-fire, he was driven neither to the right hand nor the left. I can recall not a few occasions on which I have heard him condemn in men what he called 'the weakness of recoil.' On this question, for example, he saw some men driven by Establishment into extreme positions of volun-

taryism, and others frightened by voluntaries into extreme statements about Establishment. Principal Rainy made up his own mind as to the just merits of a question and as to the line to be taken upon it, and was particularly careful not to let extremists on one side of it drive him too far on the other. I find a letter of his of this period—it is dated February 1882—which illustrates this notable feature of his mind, and which is worth quoting for its admirable mental counsel as well as for its clear definition of his position as a Free Churchman in aiming at Disestablishment even along with voluntaries. It is addressed to a layman who had been alarmed by the extreme voluntary statements of men like Dr. Hutton of Paisley, the leading champion of Disestablishment in the United Presbyterian Church. It is as follows :—

'I am interested in your letter, but cannot say that I admire the manner in which you guide your thinking. You are in contact in Paisley, by your own account, with some very extreme voluntaries, and on that account you allow your mind to work by recoil. It is the weakest of all states of mind, though it seems strong because it is vehement. Work out your own principles, but do not imagine that the way to do it is to recoil as far as possible from some other people's. There are voluntaries and voluntaries. Among those who oppose State Churches are some of the most trustworthy men I know in upholding the genuine recognition of God's authority in the guidance of national affairs—as in preserving room for religion in schools, the Sabbath, etc. As for maintaining, as a tribute of honour to Christ, what has the nature of injustice, want of principle and make-believe, I don't break my heart because they are opposed to that. Nor do I regard it as of first-rate importance that they differ from me as to the propriety of State Churches, when I agree with them that there is not a

State Church in the world that can be defended. You speak of Free Churchism. Free Church principle was that Establishment grounded on Erastianism was indefensible. The Disruption meant *that*.

'I want Disestablishment to come, not on the principle of the extreme voluntaries, which might endanger other interests; but on principles that will unite hearty Christian people in giving a right turn to national laws and affairs. You link the principle of national obligation to an indefensible Establishment, and so you do your best to make the *whole* position indefensible. That is very zealous: but it is in the last degree unwise.

'If Disestablishment is long delayed it may come on very unwelcome principles. And nothing is more certain than that if Disestablishment could ultimately be avoided, it would be by the recognition and endowment of all kinds of religion.'

This is a characteristic letter: one can *hear* him saying some of its sentences.

Of course, however, on the public platform, Dr. Rainy did not enter into points like these. He took the ground that it was 'not just nor reasonable in the broad palpable sense' for one denomination, not embracing the majority of the population and not more representative of or useful to the religious character of the nation than the others, to be upheld by the State as the embodiment of the national religion. Dr. Rainy continually protested against the confusion of the principle of national religion with the point of the single application of it—an establishment. 'Don't,' he would say, 'mix up points and principles.' And certainly he held that 'the religious vitality of the national life' would be 'not worse but better, so far as Scotland is concerned, when the religous responsibility of the nation is no

longer supposed to be embodied in a form of conspicuous injustice.'

It is one's duty in this biography to write chiefly and almost exclusively of Principal Rainy's position in this movement; but it is right to name at least one other who stood beside him on nearly all his platforms and was throughout only a little less prominent than himself. I mean Principal Cairns. Dr. Cairns has been already mentioned several times in connection with the story of the frustrated union with the United Presbyterian Church, but there was no particular occasion then to speak of him personally. Than John Cairns there was not a nobler Christian man in the Scottish ministry of his time; certainly there was not one more beloved. His charity, his humility, his transparent goodness—besides his eminent abilities—were seen by every one but himself. Principal Rainy once made of him the fine remark that 'even to see him on the street was a lesson in true and evangelical religion.' That this man, representative of much that was best in the Christianity of Scotland, stood shoulder to shoulder with Dr. Rainy all through the Disestablishment controversy, was in itself a guarantee that the movement was not ignoble. And of the two, Cairns was really the more uncompromising. On this point Principal Rainy, many years later, wrote to Professor MacEwen, who was Cairns's biographer, the following impression :—

'Perhaps you have said all that can be said as to the *determined* character (in spite of catholicity and mildness) of Dr. Cairns's purpose in reference to State Churches. The Churches he loved: the State-system he fairly hated.

Once or twice, he quite startled me in private talk by his energy on the subject. "There is nothing to be said but *Delenda est, Delenda est,*" he once exclaimed with great force.'

The two Principals had striven together, ten years before, in the effort for union: and they now stood together again in the effort not merely to secure an act of justice but to remove what it was clear to them was the real obstacle to union. They addressed numerous meetings, and undoubtedly awakened a great movement of public opinion.

Naturally — one may quite sincerely say, even properly—this was met by a counter-movement on the part of the Established Church. An attempt was first made to make a non-party association to defend the union between Church and State, but this, it appears from Principal Tulloch's biography,[1] failed. But 'Church Defence' was organised with great zeal under the direction of a Committee of General Assembly. Certainly its zeal at times was not always with knowledge or discretion, and a reading of the contemporary press reveals amazing statements from, not lesser brethren merely, but the leading clergymen of the Church about the relapsing of the country to 'heathenism,' the 'destruction' of the Church, and even 'treason.' There was so much of this wild talk that one mentions it. But on the other hand it would be most unjust not to recognise that a great body of intelligent support of the existing Established Church was called out and found often worthy expression. Influential and honoured lay-

[1] Pages 339, 389-90, 413.

men—among whom I think one might especially name James Alexander Campbell of Stracathro[1]—did earnest service in defence of their Church's position. A good part of all this counter-movement was political rather than religious—though, of course, this can be said of both sides—and much of it was associated with persons who never darkened a door of the Established Church. But there was, with large numbers, an indubitable conviction of religious principle in their defence of the Establishment. No one gave stronger or sincerer expression to this than one to whom I have already referred—Principal Tulloch. He stated the position on which he and his Church must 'stand' thus :—

'The Church of Scotland is an establishment. Because it is so, it is a witness to the great principle of a Christian State and of the maintenance of national religion, and it cannot forgo that principle. It would forgo its very existence if it did. It would forgo all for which many hold it dear—nay, for which all who intelligently belong to it must hold it dear. We must stand somewhere. We stand here.'

These sentences were delivered in the General Assembly, and at the last words, 'the walls,' says Principal Tulloch's biographer, 'rang with the shout of response.'[2] It may be useful to place beside them Principal Rainy's statement, not delivered in reply to the above but on the position they uphold. Said the Free Church Principal at a public meeting :—

'He held as a Free Churchman and as a man the importance

[1] Brother of Sir Henry Campbell-Bannerman. The latter was, of course, a convinced disestablisher.

[2] *Memoir of Principal Tulloch*, p. 451.

of maintaining the principle that states and nations should have conscience, but he could not conceive a more dangerous way of setting people against that principle than to say there was only one denomination which was the embodiment of it. . . . The relation of the public life of a country to Christ's religion and His Church was valuable so far as it was vital. It might vary according to circumstances; but when in a country like theirs, the State selected one denomination and said, This shall be for us the Church and the cause of Christ and the religious organ of the community—then he said that could not be the right way of expressing the relation of the public life of a country to religion, because it was both an injustice and an untruth. It was not just to give that position to one denomination, and it was not true that this one denomination represented the cause of Christ or was the religious organ of the community. It never was a service to religion to connect it with injustice and untruth.'

I intentionally bring the names of Tulloch and Rainy together by these quotations. They represented two opposing points of view, and did so ably and sincerely. To Tulloch, Establishment was a very essential to national religion—not to be surrendered even for union. To Rainy it was but an application of that principle, expedient and right it might be, in one age or country, but not in another, and certainly in the Scotland of the nineteenth century inexpedient and even injurious. Both men had conviction, nobility of nature and distinction of mind as well as of mien. Principal Rainy—one of whose finest qualities in controversy was his real pleasure in seeing what was sincere and worthy in an opponent—used to name Principal Tulloch, even long years after, with real respect.

A Disestablishment movement, however, is not a matter of the position of two Very Reverend Principals.

It must also, in the nature of the case, be political; and politics means party. Principal Rainy had declared how happy he would be to accept Disestablishment from either party and 'if only he had Lord Beaconsfield's ear, who, however, would listen only to Dr. Begg, he could give him a grand hint how to dish the Whigs again.' This of course was banter: practically, political action was bound to become associated with the Liberal party. It should be stated that Dr. Rainy never himself took to do with the adoption of Disestablishment in the party's organisations. But it is a great tribute to the extraordinary force of the public movement he had headed—and a complete answer to the contention that it was merely a clerical agitation — that, when in 1885 another general election was imminent, the official Liberal caucus in Scotland made Disestablishment 'a plank of the platform of Scottish Liberalism' by a vote of some four hundred delegates, only seven dissenting. This is the more remarkable when we remember the official discouragement which had been shown to the cause and the powerful opposition in the press. Perhaps the clearest way to state the political position, so far as the Liberal party was concerned, in view of the election, is to say that of 87 Liberal candidates for Scottish constituencies, only 9 were against Disestablishment, 48 were committed to vote for it, and 30 would vote for it if it were a Government measure.[1] Everything now depended on Mr. Glad-

[1] I take this summary from the *Glasgow Mail*. The thirty included men who had stood with Principal Rainy on the Disestablishment platform, and whose preference for a Government Bill did not mean any dubiety of conviction on the question.

stone, and what he would say in the name of the Government.

As the autumn of 1885 went on, the controversy was at its height. Mr. Chamberlain fanned it by a speech in Glasgow, in which he declared that 'religious equality is a cardinal principle of our Liberalism.' On the other hand, Lord Rosebery wrote to the press a letter deprecating the making of the Church of Scotland question a test issue at the approaching election. A notable manifesto appeared in the form of an address to the Prime Minister in favour of Disestablishment, signed by no fewer than 1475 ministers of religion in Scotland—more than one-third of the entire clergy of all denominations in the country. Among the signatories were men whom no one could possibly associate with sectarian jealousies—men such as (to name but half a dozen at random) Alexander Whyte, A. B. Davidson, John Cairns, John Ker, James Candlish, Marcus Dods, George Adam Smith. In forwarding it Principal Cairns declared they desired Disestablishment, in the first place, for the sake of 'the religious welfare of Scotland.' As the day approached when Mr. Gladstone was again to come down to Midlothian, the feeling became keener than ever. Strong things were said, of which this single example may suffice, that when Lord Aberdeen—Lord High Commissioner to the General Assembly and an elder of the Kirk—presided at a party meeting which approved of Disestablishment as a plank in the Liberal platform, Dr. Story, afterwards Principal of Glasgow University, denounced him as 'disloyal to the Sovereign.' It is necessary to

refer to such things that the reader may understand the atmosphere of the time.

Meanwhile, Principal Rainy had written once more to Mr. Gladstone. His letter is as follows :—

'23 Douglas Crescent,
Edinburgh, *27th October* 1885.

'Dear Mr. Gladstone,—I hear from Dr. Cairns that he is sending you the memorial from Scottish ministers. I venture to take the occasion for saying a word on the present position of the question.

'You have observed, no doubt, the manifestations in all parts of Scotland of the hold the question has taken and the determination to bring it to the front. The proceedings of the late meeting of the Scottish Liberal Association at Perth formulated that determination and gave a measure of its strength. . . . I wish to point out that this expression of feeling has taken place in spite of the strenuous efforts of Scottish party managers to suppress or postpone it, and of other influences adapted to bewilder and baffle it.

'It is not for me to make assumptions as to the course which you may think fit to take. We certainly are of opinion that Lord Hartington's statements and your own point to a recognition now of the stage which the question has reached. I see, at the same time, that if you think fit, you can demand something more complete, more obviously conclusive, before admitting that Scottish Liberalism appeals to you on this subject in a manner which you will regard as audible. It is very much in your own option to fix the amount of preponderance on the Disestablishment side which will conclusively call upon you to speak. And I feel I could not pretend to discuss a question of that kind without presumption, at least in writing to you.

'But I have thought that there are considerations bearing on the practical effect of what you may do or not do which I ought to place before you at this crisis.

'If the battle is to continue to be fought out in Scotland (perhaps for some more years) with the Liberal leaders looking on silently, prepared to crown the victors, then there are some effects in the party in Scotland for which they must be pre-

pared. It is clear that lines of separation will harden and feelings will become more and more bitter. The whole party will get into two camps, each strongly pledged to its own position. The decision, after all this, will be to the one or to the other a deep mortification.

'All this will be on Church lines. You know better than most men how deep Church feelings go in Scotland and how powerfully they work.

'Look at the position of Liberal Churchmen. I hold it essential to a wholesome Disestablishment success, to have the aid, at least the acquiescence, of many of them. If Disestablishment were recognised as one inevitable result of Liberal principles (to be carried out when it reasonably can be) an enormous number of Liberal Churchmen would accept it without difficulty, not as something forced upon them by competing sects, but as coming from another quarter. Their Liberalism has prepared them for that. But when they are told that it is to be a fight and that, as far as the Liberal leaders are concerned, those who fight best will win, it is very difficult for men loyal to their own Church to help taking rank on her side and warming to the battle. And after they are committed and heated, after they have accustomed themselves to electioneering and voting along with Conservatives for Church candidates of whatever colour, they will be in a quite different position from that which they are conscious of occupying now. Many Liberal Churchmen are resisting these influences; but many are veering. . . . To me it seems that an intestine strife in the party on a question most of all adapted to awaken keen feeling ought to be averted, not nursed. I think also that the unity of the party should be sought in the direction of the position it must *ultimately occupy*, and not in any other direction. It is certain that at present and as yet, an enormous number of Established Church Liberals are prepared by their own impression and their own knowledge to accept the inevitable from your hand. They will not accept it from me and my friends, and who could expect they should?

'My own mind, I confess, is much more occupied with the injury to the Churches from a struggle needlessly prolonged than with the injury to the party. But solicitude on the former subject is common to us all.

'I need hardly add that the position we would wish to occupy is that of prosecuting the question under your sanction, prepared in that case to leave much to your discretion.—I have the honour to be, dear Mr. Gladstone, most faithfully yours, ROBERT RAINY.'

Mr. Gladstone sent in reply the following important letter which he marked 'Private':—

'HAWARDEN CASTLE,
CHESTER, *November* 3, 1885.

'MY DEAR DR. RAINY,[1]—I have read your letter with deep interest and with the attention it so well deserves.

'But I must observe upon it that, while it most naturally and perhaps necessarily takes a Scottish view of the question of Disestablishment and deals only with influences operating on that side of the Border, yet the question of parliamentary action is open to many other influences which might gravely affect and indeed reverse the result.

'Every day I am pressed, from quarters quite unsuspected, with alarms lest for want of strong declarations from me on, that is to say *for*, the English Church, many Liberal seats should be lost.

'I have always thought that in Scotland the course which equity dictates is also the one most favourable to the disestablished Churches: that is, to treat the question as Scottish, and effectually to sever it from the case of England.

'On this principle of severance I have acted, and shall continue so to act.

'But the only practicable mode of severance is leaving Scottish Disestablishment to the Scottish people.

'Now, were I or others in like position to press Disestablishment on the electoral bodies, might it not be said that this is not leaving it to the Scottish people?

[1] The 'Dear Mr. Gladstone' of Principal Rainy's letter and the 'My dear Dr. Rainy' of Mr. Gladstone indicate the personal acquaintance which had now sprung up between the churchman and the statesman. I am sorry I have no record of any of their meetings, beyond the remark made to me by a hostess in whose drawing-room they once met, that it was a fine sight to see two such grand-looking men together.

'And most certainly the effect in England, where the Church is much stronger, would be disastrous.

'The trouble is that the one case is the inverse of the other. In Scotland, Disestablishment is pressed, I believe, largely as a test by the Liberals. In England, Establishment is keenly pressed as a test by the Tories; and the request is coolly made that no Liberal shall vote for a candidate favourable to Disestablishment.

'This we entirely resist, but the resistance appears to be incompatible with a forward movement in Scotland.

'This note will serve, as I hope, to explain in some degree my present position: we may perhaps have an opportunity of conversation presently.

'Do not forget the possibility that a question of Irish government may come up with such force and magnitude as to assert its precedence over everything else.—I remain, most faithfully yours, W. E. GLADSTONE.'

It is not surprising if this letter seemed unsatisfactory to Principal Rainy, and on the day of its receipt, he replied to Mr. Gladstone by a further statement which runs as follows:—

'DEAR MR. GLADSTONE,—Thanking you for yours of yesterday and adverting to the immense demands upon you, still I allow myself these observations.

'1. I recognise the absolute consistency with which you have maintained the position you took up in 1879.

'2. To sever the Scottish question from the English is a course I consent to *ex animo*. I am glad to see that the emphatic marking of that severance is what you propose.

'3. Basing myself on that severance, as heretofore announced by you, one object of my letter to you was to claim that effect be given to the voice of Scottish Liberalism as already audible and distinct. This I do not wish to discuss further. But

'4. The decision of Scotland *may* become quite clear and audible through the elections, *i.e.* before Christmas: a possibility to be prepared for.

'5. In that case, might not the effectual and safe way of

marking the severance be to own that the Scottish question is a principle decided, while the English one is wholly future? And is it not the safe course to announce this, not at a general election (*e.g.* the next), but during the subsistence of Parliament so as to let the distinction become familiar?

'6. If Disestablishment in Scotland were so recognised, immediate legislation need not follow. It would be in the hands of Government, and Government must choose its own time. Possibly it might best be brought forward at the end of a Parliament and in view of dissolution.

'7. Otherwise, we are obliged to keep on working the question as we can that we may not lose ground. It will be managed in Parliament by irresponsible members, and we shall hardly fail to make common cause with the English Liberationists.

'I cannot sufficiently express my sense of your great kindness in writing so frankly as you have done. As to my own boldness in writing to you so freely, I do not know how to excuse it, and can only ask you to forgive it.

'Once or twice I have spoken interrogatively, not to extort a reply, but merely as a way of putting my thought.—Ever yours most faithfully, ROBERT RAINY.

'*PS.*—We are fully prepared to respond to whatever can fairly be said as to Ireland. While we push the question of Disestablishment, yet practically I do not know that one seat is endangered *by us*, or that more than one runs any serious eventual risk.'

Comment on this correspondence had better be reserved till after some account of Mr. Gladstone's speech in the subject.

Mr. Gladstone arrived in Midlothian in November 1885. His keenly awaited declaration on the Church question was delivered on the 11th of that month in the Free Church Assembly Hall, which—contrary to the usual rule—had been specially granted for a political meeting as an act of courtesy to the aged statesman because his throat was troubling him and

the hall's acoustics were the best in Edinburgh. There was a touch of irony in the result, for Mr. Gladstone thus refused Scotland Disestablishment from the very spot where Principal Rainy had so often demanded it. The Premier had before him a task of exceptional delicacy. He was not going to take up Scottish Disestablishment, and he had to announce this to an audience the large majority of which wanted Disestablishment and expected it. No wonder the speech gave him, as a line from his diary quoted in his biography says, 'much rumination' that morning. But if ever there was an artful and experienced rhetorician it was this 'Grand Old Man,' whose very nobility of mien and diction, as well as character, deceived his hearers into forgetting what a master he was of even the tricks of his craft. He made an extraordinarily clever speech—not clever in the minor sense of containing smart things, but in the greater sense of its whole conception and manner and effect. It is well worth recalling both as a specimen of the work of an oratorical artist and because it was the critical word in this chapter of Disestablishment history.

He began by spending a good deal of time over not very important introductory matters of various kinds, though his voice was not clear and it was obvious he could not be expected to make a very long speech. At length he came to 'a graver subject —the Establishment or Disestablishment of the Church.' He then went on for one column and a half of a newspaper to speak of the Church question in England. Disestablishment had been made, or was

sought to be made, a test question there by the Tories. He repudiated this being done, and declared that English Disestablishment 'would be a gigantic operation and the man does not breathe the air of Parliament that will carry into effect that operation.' Such a declaration was of importance for the party in England, but it was simple enough. The delicate matter of Scotland could now be no longer postponed. 'Now we will come a little nearer home,' he said, and the audience welcomed the words with cheers and then with the significant 'hush' with which a great meeting awaits the declaration it has come to hear. 'But,' he continued, 'my discourse has not been irrelevant, for these great governing considerations apply both north and south of the Tweed.' There were cries of 'no' at this, but the speaker went on that 'if the Church question is not to be a test question in England, it ought not to be in Scotland.' This sounded fair and some called 'hear' in an intelligent manner, but the great majority of the meeting was silent, feeling there was a trap somewhere. 'If,' Mr. Gladstone proceeded, 'I urge that this should be made a test question in Scotland, then all the good advice that I have given in England would be thrown to the winds.' The drift of the Prime Minister's reasoning was dawning on the meeting now. Then Mr. Gladstone, knowing the time for the critical appeal had come, called up his histrionic powers. He described how, as he was journeying north, at some railway-station a man called out 'Never mind Disestablishment,' and another 'Three cheers for Disestablishment,' but a third voice shouted 'Three

cheers for the Liberal party.' These last words, Mr. Gladstone—careless of his throat—himself shouted out with the utmost enthusiasm, at the same time waving his hand over his head. Of course the great meeting—Midlothian Liberals—responded and rose and cheered. There was enthusiastic applause. This gave the speaker his chance. 'I am labouring with all my might,' he cried, 'for the unity of the Liberal party,' and again was great cheering. He then enforced the peril of taking up subjects 'out of their due order.' He dealt with a question that had been sent in to him asking if he would vote in the House of Commons for a resolution in favour of Scottish Disestablishment, and explained it was not his wont to vote for such abstract resolutions. 'Were the question of Disestablishment,' he said, 'at the door, instead of being as it is now' (and he put up his hand as if shading his eyes to scan the far horizon) 'at the end of a long vista——.' He got no further. A volley of indignant 'Noes' burst upon him, prolonged and increasing in loudness till they drowned the counter cries of 'Yes.' Mr. Gladstone was staggered. He was as a man who had been struck on the face. It is in the recollection of numerous most reliable witnesses that he visibly blenched and that he actually took a step back on the platform. But the old man was clever. In a moment he had his wits about him. 'Bear in mind,' he explained as soon as quiet was restored, 'I am not speaking of Scottish Disestablishment only. I am speaking to a great degree of English.' It was a quick re-shuffling of the cards and somewhat mystifying; and then, in his

gracious manner, Mr. Gladstone apologised that 'perhaps England holds too large a place in my speech,' at which were many cries of assent. In this haze he passed on and out of the subject to a peroration on the safe topic of unity. He cried again, 'I am labouring for unity'; adding—and the words were the only ones that evoked real cheering towards the close of his speech—'though I hope the Liberal party will split rather than sacrifice conviction.' He sat down amidst far less than his wonted applause.

This speech was a blow to the Disestablishment cause which might have ended it altogether if it had had a leader less tenacious and indomitable than Principal Rainy. Political friends—members of Parliament and candidates—began, of course, to trim. Many wrote to Dr. Rainy to get him to accept the situation. His reply to one may be given and is as follows :—

'I have not the least doubt that there are the strongest political reasons for Mr. Gladstone taking the line he has done. But none the less, I am satisfied that we must take our own line if we are not to lose much we have gained, and take the heart out of the work. He has his *non-possumus* : we have ours.'

Principal Rainy, in conjunction with Principal Cairns and others, issued a manifesto from the Disestablishment Association,[1] expressing respect and veneration for Mr. Gladstone, but calling on the friends of the movement to show continued resolution and to

[1] I say 'Principal Rainy issued' it, because I find the draft of it, almost verbally identical with what was issued, in his handwriting.

'support only Disestablishment candidates.' This found a remarkable echo in the Liberal party. Apart from any question as to the expediency or rightness of the refusal of Mr. Gladstone to take up the question—a matter on which I shall say something presently—it is indubitable that he had been misled by those advising him as to the state of feeling on the subject among Scottish Liberals. So clear was the dissatisfaction with his speech—a speech intended to bring unity—that a special meeting of the National Liberal Federation of Scotland had to be called. It met on 17th November. A motion declaring religious equality to be 'a Liberal principle' and demanding Scottish Disestablishment, 'having due respect to times and circumstances,' was carried by what the newspapers called 'an overwhelming majority' over an amendment to the effect that it was 'inexpedient to make this a party question at the general election'; and—still more notable—a motion 'that the meeting recognises political reasons for Mr. Gladstone's statement' and 'on grounds of expediency' urges unity, was defeated by 'a large majority,' and an amendment carried which 'recommended Liberals to support Disestablishment candidates,' and thereafter urged unity. The same day, Mr. Gladstone in a speech referred to the 'painful and disappointing announcement he had had to make,' and again pledged himself to the 'complete severance of the two questions of Disestablishment in Scotland and Disestablishment in England.'

Principal Rainy seems, as appears from the following

letter, to have met Mr. Gladstone the same evening. The letter indicates it was the meeting of two strong men, neither of whom was disposed to yield his view of what the other had 'the right' to maintain. It runs thus :—

'*Private.* *18th November.*

'DEAR MR. GLADSTONE,—One remark you were good enough to make at the close of the evening last night would have led me to say something, but that it seemed unsuitable to engage you in discussion when you were retiring for the night. I had not then read your West Calder speech.

'I would have said that one cannot see how the Scottish question can be, or can continue, severed from the English unless they are resolutely held apart. During this week the natural progress of the Scottish question has been powerfully arrested and thrown back on account of English feeling. In our view, the right of the Scottish party to press on with reasonable regard to the party here should have been explicitly acknowledged as something already settled ; and the *right* of the party leaders to wave back the Scottish question on account of the English should not have been asserted but should have been disclaimed. A great part of the undoubted and singularly widespread irritation which exists gathers round that point.

'Since last night I have read, but as yet too hastily, your West Calder speech. It has been a great pleasure to me, so far as my power reaches, to avert anything that would be unpleasant and would seem disrespectful to you. The remarkable statement of yesterday afternoon will exert much influence in that direction. But you will forgive me for saying that I do not think it will alter the view we take of the substance of the case as I have just now stated it.'

The same day Principal Rainy made in a speech his first public statement on the situation. With characteristic fairness he represented Mr. Gladstone's position thus :—

'I cannot reproduce Mr. Gladstone's eloquent words. But I think I do not wrong their sense in stating it thus. Is it not expedient, in order to the unity of the Liberal party, that the state of feeling in England be first considered; and does not the state of feeling there make it necessary that, for this Parliament at least, all questions of Disestablishment be postponed?'

He then indicated what this meant. It was 'equivalent to dropping the question as a practical question for years.' They 'were tied to the chariot-wheels of England for an indefinite period to come.' He referred to a remark which Lord Rosebery had made to the effect that this question might be postponed till 'other important matters had been dealt with,' and, with what proved to be a true political anticipation, he asked 'who could tell how long Ireland would be on our hands?' In a speech the day after, he made the following comment on Mr. Gladstone's repeated declaration that the Scottish question should be separated from the English :—

'I cannot understand how this is to be reconciled with the course that he has taken. I cannot understand how the Scottish question is to be continued to be severed from the English one in consistency with the Scottish question being thrown back in deference to the movement from the English side.'

I think it will be admitted that in all these remarks there is a moderation which is notable in view of the keen disappointment which, after the effort of the previous years, Principal Rainy must have felt over Mr. Gladstone's attitude. It was an experience which would have made a smaller man bitter. Let the reader

recall its main facts. Ten years earlier, Principal Rainy voiced the demand of the Free Church for Disestablishment. In three years, the demand was so clear that Lord Hartington invited the Scottish people and even the Scottish Liberal party to declare its mind on it, and further most explicitly promised it should be treated as a Scottish question. Mr. Gladstone homologated this position. The general election of 1880 passed, but thereafter—under the forceful influence of Dr. Rainy—Scotland had unmistakably taken up the question and discussed it as it did no other. The Liberal party there had adopted it. On the eve of the critical election, the Prime Minister declared it must not be a test question because of the effect that would have in England. Any one who reads political biographies knows that things far less than that have soured many a public man's career. I do not find in any of Principal Rainy's letters a word of resentment. Dr. Rainy was not the man to show his wounds. And it was not for himself he had been fighting, but for a great cause.

I am not called on in this biography to follow further the political story beyond saying that Mr. Gladstone failed to secure the clear majority over both the Conservative and Irish parties which he had so earnestly sought—a result which Mr. Chamberlain promptly attributed to the restraint which had been put upon sections of Liberals especially in connection with Disestablishment. But I shall venture a few words of comment on Mr. Gladstone's action in Scotland in the matter on this occasion and its bearings on the future of the Scottish Church.

The reasons which made Mr. Gladstone adopt the

course which he did are clear enough to any political student. It was certainly not any kind of conversion to the views of those who maintained the Establishment in Scotland: on the contrary, he wrote in his diary at the time, that 'the present agitation does not strengthen in my mind the principle of establishment.'[1] The idea, which was widely circulated (having currency given to it by *Vanity Fair*), that he had come north pledged to Principal Rainy for Disestablishment, but changed his mind and tactics at the last moment on representations personally made to him—the Principal being 'smoothed over with the assistance of a little hospitality at Dalmeny—he himself caused to be characterised as 'pure and and sheer untruth.'[2] A number of persons have entertained the view that it was their impressive conversations with him at Dalmeny which saved the situation for the Establishment, and it would be only a pity to interfere with such gratifying imaginations. The reason of Mr. Gladstone's attitude is, I repeat, sufficiently clear. His dominating thought—and I think it is not unjust to say of Mr. Gladstone that he could throw himself into only one great political issue at a time—was the imminence of the Irish question. His supreme aim was to be returned to power with a majority which would enable him to deal with this independent of the Irish vote—a most honourable aim. But he would not get this unless he made clear to the English electorate the

[1] *Life of Gladstone*, iii. 248. Of a petition against Disestablishment, he remarked laughing that 'the real reason of many of these names is they want a cheap religion.'

[2] In a letter sent to the press by W. H. Gladstone, December 7, 1885.

baselessness of the Tory cry that the election was 'critical for the Church.' And he could not do this quite effectively without disassociating himself from even Scottish Disestablishment, for in the state of feeling at the time, a word in favour of religious equality in the north would at once be applied by the Tories as bearing also in the south. All this is perfectly clear reasoning and, from the political point of view, justifiable. From the view of party success, it was also the best thing to do. It might cost two or three seats in Scotland, but would save twenty in England.[1] Mr. Gladstone, from the standpoint of the party interests throughout the country at large, did no doubt what was expedient.

This does not alter the fact that he did not keep good faith with Scotland and with Principal Rainy in particular. If there was one thing he had promised, it was that the question of Scottish Disestablishment should be 'treated as Scottish' and 'effectually severed from the case of England.' In his letter of 3rd November, he explicitly reiterates that 'on this principle of severance I have acted and shall continue to act.' He allows Principal Rainy to express satisfaction 'that the emphatic marking of that severance is what you propose.' In his speech a week later, far from severing them, he deliberately throws back Scottish Disestablishment, not from a single reason native to Scotland but out of consideration to the situation in England. I find evidence that Mr. Gladstone virtually admitted that England had been the determining element in his treatment of the

[1] This was the *Spectator's* estimate.

matter. Dr. Webster, M.P.—a staunch Disestablishment Liberal—wrote to Dr. Rainy that Mr. Gladstone had written him these words :—

> ' Were we to legislate in a Scotch Parliament the case would be less difficult, but we have England to look to, and those especially who are working the Church cry will take good care not to recognise the separation of the two cases.'

The last sentence may be perfectly true ; but, then, Mr. Gladstone should not have pledged himself to the separation of the two cases. To give that pledge to separate them, and then to combine them as he did and sacrifice the one for the other, was—one says it with all respect, but there is no other term for it—not keeping faith. Mr. Gladstone would clearly have been within his rights if he had said that he could not take up Scottish Disestablishment either because the voice of Scotland was not yet, in his judgment, convincing enough or because of the approaching pressure of the Irish question. Even those whom this would have disappointed could not have said it was unfair. Mr. Gladstone had never promised to take up the question. But he had promised it should be ' effectually severed from the case of England,' and no one can possibly pretend that in his speech in November 1885 he kept that promise. Yet, having said that, I add—paradoxical as it sounds—that no one need doubt that Mr. Gladstone did what seemed to him even morally as well as politically right. Mr. Gladstone's opportunism was always part of Mr. Gladstone's morality. The Irish question had now become his supreme summons. To go forth to that heroic battle seemed his dominating duty. And to

respond to and equip himself for that great call, the noble old warrior counted nothing—not his years, not his popularity, not his well-earned leisure, and not even a promise he had made again and again to Scotland.

Writing now more than twenty years after the event, and looking to-day upon the question of Scottish Presbyterianism and particularly of its reunion in so far as that has been effected and in so far as it has not been effected, one cannot help thinking what might have been if Mr. Gladstone had not made in 1885 the double mistake of thinking that Scottish Disestablishment must be placed at the end of a long vista and that Home Rule was ripe. It is perhaps not for the mere historian to indulge in thinking what might have been ; but I may be permitted it for once. In 1900 there was consummated under Principal Rainy's guidance a union (to be narrated at length before our task is finished) between two of the three largest branches of Scottish Presbyterianism with, however, an accompanying separation which brought in its trail extraordinary and disastrous consequences. The sole objective reason why the union could be between only two of these branches and not among all three was the fact of establishment ; and the chief professed reason of the accompanying separation and also the one reason of its extraordinary legal sequel was 'the principle of establishment,' which would have been but a ghost but for the fact behind it. If Mr. Gladstone had taken that hindrance away when the occasion offered, certainly there would have been a soreness that would not have healed in a day. But I speak of what I know when I say that, for

one, Principal Rainy would have never let that be any sectarian victory, but would at once have put forth his great powers of conciliation and construction. And there is absolutely no historical reason which can be named why, in these circumstances, the year 1900 should not have witnessed, instead of a partial and a disturbed union of Scottish Presbyterianism, that comprehensive union which is the true national ecclesiastical ideal. What hinders that wider union is the political fact of establishment. If Mr. Gladstone had removed that, the Churches might be one to-day. The reader will remember how Principal Rainy said that 'it is something to make the heart leap to think what that might be.' Within his lifetime, it might have been. Of course there is a large body in Scotland, whose opinions are entitled to every respect, which rejoices that Mr. Gladstone thus disappointed Principal Rainy. But when to-day, a quarter of a century after, one begins to count up the totals of what is and what might have been, and realises that, as I have said, at this moment we might have had in very existence a restored reunited Scottish Church that in reality would be the national Church of Scotland, one understands how it is that many feel it was not an individual's ambition that was then disappointed —that were a small thing—but a patriotic and a Christian ideal.

CHAPTER XVII

THE ALTERNATIVE TO DISESTABLISHMENT

THE arrest thus put by Mr. Gladstone upon the movement for Disestablishment in Scotland was the opportunity for pressing some other solution of the Church and State question in the country, and it was only natural that this should be taken advantage of—the expression is used, of course, in no offensive sense—by those who desired a settlement on a basis of establishment. This appeared in 1886 by the bringing forward of proposals in this direction both in the Assembly of the Established Church and in Parliament. Some account of these proposals is necessary to our history, and some indication of Principal Rainy's attitude to them is the complement to the story of the preceding chapter.

Before we enter on this, however, it should be recorded that during the Disestablishment agitation which has been described, two leading figures in the Free Church passed away. In 1883 both Sir Henry Moncreiff and Dr. Begg died. Sir Henry was greatly missed on account of his prominent official position as Senior Principal Clerk of the General Assembly, and also because of his universally respected personal character. He was less the leader than the counsellor, but in the latter capacity he was invaluable. He had much knowledge, a trained judgment, and

was the soul of integrity and purity of motive in all he did. He was a fine type of the old Scottish gentleman—with a rubicund countenance, a portly presence, a stentorian voice, and an honest heart. Of Dr. Begg a good deal has been said in foregoing pages. It has been said inadequately if it has not made clear that he was a man of real power. If Begg had been a nobler man, he would have been something of a great man. But I have not felt myself at historical liberty to disguise, in these pages, the view that his powerful influence in the Church was a disastrous one, and that, not merely to certain policies (about which men might rightly differ), but to the Church's true well-being, especially in the Highlands. And I do not feel at biographical liberty to conceal the fact that this was Principal Rainy's view. More than twenty years later, I had occasion to write to Dr. Rainy some impressions of Begg gleaned from the reading of old Blue-books, and his reply was as follows :—

> 'I am very glad you are reading up the old debates. Begg was the evil genius of the Free Church. He introduced a policy of conspiracy and of attempting to carry points by threatening us with law. No man did more to lower the tone of the Church and to secularise it.'

After having read through all Dr. Rainy's correspondence (so far as it has been placed in my hands) I can say that this is the one letter I have found which speaks severely of the personal influence of any one among his many opponents. All this is said because it is impossible to understand the history of the Free Church of Scotland without quite frankly perceiving that its two most powerful leaders (subsequent,

that is, to the great band of Disruption leaders), were men between whom was, not—this is not suggested—any unchristian personal bitterness, but certainly a real antipathy, not merely of views about policy but of mental and moral texture. This fact is the key to much of the history, and it would not have been writing history to hide it.

To turn, however, to the subject of this chapter. It has been already mentioned that in 1878 the Established Church sent to the sister Presbyterian Churches a communication on the subject of union. Its purport was to inquire 'in frank and friendly conference as to the causes which at present prevent the other Churches from sharing the trust now reposed in this Church alone'; and it declared willingness to take towards co-operation and reunion any steps 'consistent with the maintenance and support of an establishment of religion' and 'the sacredness of the ancient endowments.' This movement was associated with the names of Lord Polwarth and Professor Charteris. With the former, Principal Rainy had some correspondence, only one letter of which—to be quoted presently—I have found; but Lord Polwarth writes to me that he well remembers 'the Christian courtesy and kindness which I ever received from Dr. Rainy.' The communication from the Established Church reached the Free Church Assembly only on the last day of its session. Principal Rainy received it with every consideration and spoke of the spirit that animated it only with respect; in particular, saying 'he would be ashamed of himself if he imputed any motive but the highest to such a

man as Lord Polwarth, for instance, in the speech which he delivered in the Established General Assembly the other day.' The communication, owing to the Assembly being on the eve of closing, was remitted to a committee to acknowledge. The reply, written by Sir Henry Moncreiff, was a most courteous one, and, in respect to the specific request as to what kept the Free Church from sharing the trust held by the Established Church, naturally referred to the Claim of Right. Then some accident seems to have happened. Sir Henry's letter received no answer. It came out years after that an answer had been drawn up on behalf of the Established Church, but either the Clerk neglected to send it or it never arrived. At any rate, the correspondence abruptly ended. Of course one does not for a moment suggest any discourtesy; but the incident closed in the way stated. As a matter of fact, little could have come of it at the time, for the Free Church, as we know, was immediately plunged into the throes of the Robertson Smith case. It was, however, unfortunate that it should end in what the Clerk of the Established Assembly called 'an inexplicable mistake.'

The letter above referred to, which Principal Rainy wrote to Lord Polwarth, is an interesting and frank statement of his mind and I quote it (though it is long), omitting only an opening paragraph :—

'The communication to our Assembly came to us a little suddenly, but I hope our disposal of it did not seem ungracious. I gather from your letter that you hoped we might have appointed a Committee to confer. But I do not think any party in our Church would have supported such a proposal. I do

not apply the same remark to such speeches as yours in your Assembly, which, supported by your known sincerity and large-heartedness, can only do good.

'I am afraid you are hardly aware how thoroughly we of the Free Church are disinclined to embarrass ourselves with any negotiations for new relations with the State. This is no new result of Disestablishment. Nothing went deeper in Disruption days than the almost boundless feeling of relief at being done with what had proved so anxious, perilous and harassing. Even those who are against my views—many of them—and who are for keeping up an Establishment, really mean by that to keep it up as a theoretical comfort, without any intention of joining it. Of course there are people in the Free Church who might have no difficulty in joining, in various contingencies. But no leader could persuade the pith and marrow of our Church to look benignly on a prospect of re-establishment. It would be instantaneously recognised as a case of misleading. We have an undiminished sense of the importance of powerful independent Churches (better—a united independent Church) in the State to Christianise it: we shall be very cautious indeed how we again admit the State's action in the condition and the independence of the Church. You will look on this as a prejudice. I only wish to assure you that it is a very strong one.

'Now this goes far to determine what is reasonable or consistent with sincerity in the way of meeting in conference with a Committee like yours. I have no right to dispute your impressions as to the width of change which the majority of your Church would contemplate. But, at all events, what they profess to desire—what they can hardly fail to aim at—is a reconstructed National Establishment, on the basis of the existing one, with a generous recognition, perhaps, of the feelings and convictions of the present non-established Churches. I impute nothing unworthy in connection with such a project—far from it. But, in any shape in which it seems practicable, or even conceivable, we will take no responsibility in connection with it. We do not exclude the possibility nor the hope of something valuable and useful in the nature of establishment — *i.e.* regulated relations of Church and State—arising for Scotland some day, though hardly, as

we think, such close relations as formerly. But we will not risk our Church in any combinations that are now in view, especially when we consider what the State is and what the forces working in it and likely to work with incalculable intensity.

'As to Disestablishment, that became a practical movement when the party which shipwrecked Union negotiations in our Church began to put forward the Establishment, under some amendments which they pointed out (and which demonstrably implied that Free Church principles were to be sacrificed), as the hope and home of Scottish Presbyterianism; and when a party in the Established Church began to move on the same lines. I gave the fullest and most express warning at the outset that the only possible practical answer to all that must be, from the Free Church position, Disestablishment. I did so with a feeling of great dislike to be involved in any such agitation, but with a determination not to flinch from it if necessary. On the whole, I have been regarded as a very languid leader by many of my followers.

'It is no pleasure to me to place myself in the attitude towards another Church which this movement implies. Not that I feel it unfriendly; for I am absolutely sure that the change would do you nothing but good and that you yourselves would confess it within five years. But I cannot suppose that you will believe that now, or that it would be of any use for me to profess it very copiously. All I can say is that Disestablishment is the honest and complete practical application of our principles, as the alternative of those available which ought to be selected. I do not know whether I shall live to see it. But I think I know the way in which our face ought to be set. I do not the least expect your approval in all this, but I have thought it was due to you to let you see where I stand.

'Will you allow me to say how glad I am that the number of the Eldership in the Established Church includes your Lordship and men like you?'

This is a much longer letter than was Dr. Rainy's wont to write, but it reveals both his Church's position and his own spirit so clearly that it would have been a pity to curtail it

It was not till 1886—the year after the arrest of the movement for Disestablishment — that communications between the Churches were resumed. In that year, the Established Church sent another and more important message. Its terms were as follows :—

'The General Assembly, appreciating the significance of the recent manifestations of national attachment to the Church of Scotland, as shown in many forms, particularly in the petitions of more than 688,000 persons to Parliament against Disestablishment, and in the unanimous resolutions of many enthusiastic public meetings in favour of the reunion of Scottish Presbyterians on the basis of a National Establishment of religion ; and realising the obligation laid upon the General Assembly to do all in its power to carry into effect the desire for unity so widely felt in Scotland—Resolves to renew and hereby does renew the expression of the sense of the evils of division and the assurance of its readiness to promote union on the basis of Establishment. Particularly, the General Assembly desires, as in 1878, to approach other Churches with an assurance that, while the General Assembly maintains inviolate the principle of the national recognition of the Christian religion as contained in the Confession of Faith, and the sacredness of the ancient religious endowments, and steadfastly adheres to the doctrine of the Confession of Faith and the Presbyterian system of Church government and worship —the Church of Scotland is heartily willing and desirous to take all possible steps, consistent with the maintenance and support of an Establishment of religion, to promote the co-operation in all good works and the reunion of Churches having a common origin, adhering to the same Confession of Faith and the same system of government and worship ; and is ready to do all that is possible to remove doubts or difficulties from the minds of Presbyterian brethren at present dissociated from the Church.'

This was doubtless an earnest and sincere proposal, but like the former, it was frankly an 'establishment'

one. It suggested union only on the basis of the 'sacredness' of the endowments and the 'maintenance and support of an Establishment.' To this, obviously, the Free Church, which had steadily set its face in another direction, could in frankness give only one answer. Principal Rainy moved the answer in a speech of studied moderation, from which a single extract may be given :—

'He thought they should express regret that there should be any difficulty about conference, if it was wished, between Churches that stood so near one another as they did, and that they should point out where the difficulty lay. The difficulty lay in the basis on which alone, on the part of the Established Church, it was proposed that any conference should take place —the laying down of this as fixed to begin with, that it was to be on the basis of establishment, including the sacredness of endowments. He proposed to make them aware of the position in which, in that Assembly, rightly or wrongly, the great majority had placed themselves on that subject. But he proposed also that they should say also that if the Established Church could see their way to regard the differences between their position and the Free Church position as open for discussion, then they would accede to any invitation which the sister Church might address to them to go into conference on a matter which was so important.'

Here we have the first proposal ever made publicly and officially for that 'unrestricted conference' between the separated Churches of which a good deal has been said in recent years ; and it is interesting to note that the suggester of it was Principal Rainy. A deliverance to the effect above indicated was practically unanimously agreed to and transmitted to the Established Church. It officially acquainted the sister Church with the position taken by the Free

Church as to the maintenance of establishment and concluded thus :—

'But while candour requires them to make the statement, they hasten to add that if the Established Church should see their way to treat the points of difference between their communication and the resolution [upon Disestablishment] now cited as open for discussion, the Assembly of the Free Church will readily accede to enter into conference with a sister Church on a matter which so intimately concerns the Christian interests of the whole community.'

A proposal for 'unrestricted conference' could not be more heartily made. But it was not accepted. The reply to the proposal came in the course of the year from the Church Interests Committee of the Established Church, of which the Convener was Lord Balfour of Burleigh. Lord Balfour declared that 'they could not accept such an invitation as that' because 'it would seem to imply that under any conceivable circumstances, they would be willing to submit to Disestablishment and Disendowment.'[1] His committee's reply, after expressing regret at the 'indirect negative' of the answer of the Free Church and declaring the Established Church proposal 'still open,' went on :—

'With regard to the proposal of the Free Church that the two Churches should meet in conference to treat Establishment and Endowment as questions for discussion, the Committee on Church Interests do not think it necessary to enter into argument. Such a discussion would have no common ground on which to proceed. If the Free Church would consider the present state of Scotland in the light of the standards common to both Churches, of the Claim of Right and of the recent abolition of Patronage, a conference might be profitable

[1] Established General Assembly, 1887.

and union the possible result; but no good could come of what the Free Church actually suggests. The Church of Scotland has never proposed and would be false to her trust if she accepted a proposal which would even seem to imperil the religious advantages secured to the people of Scotland by the Revolution Settlement and the Treaty of Union, and she cannot do anything which might be construed into willingness to throw away the heritage of the Scottish people; though her desire has been and is that brethren now separated may be reunited in the enjoyment and improvement of that heritage.'

The comment on this of the Free Church—adopted by the Assembly of 1887—was as follows :—

'The Assembly of the Free Church have asked no more than that the conference, if it takes place, shall be upon the whole case; and that it shall have scope for stating and weighing the known views of both sides as to the true interests of the Scottish people, the right disposal of the ancient endowments, and the reunion of Presbyterian Churches. They wholly decline to admit that on such subjects the Churches have no common ground for discussion. It is with deep regret that the Committee finds itself under the necessity of reporting to the Assembly that so necessary and equitable a basis of conference has been declined.'

Into the discussion of this report in the Free Church Assembly of 1887 we need not enter, as Principal Rainy, being that year in the seat of the Moderator, took no part in it. Thus ended the second proposal to bring the Churches into conference.

Cotemporaneously with these communications in the eighties between the Churches, a somewhat curious independent movement concerning reunion was being made in Parliament. Immediately after the general election of 1885—after, that is, Mr. Gladstone's post-

ponement of the desires of the Disestablishment party in Scotland—a 'Church of Scotland Bill' was introduced into the House of Commons by Mr. (afterwards Sir Robert) Finlay, one of the few Scottish Liberal members who were opposed to Disestablishment. At the election, Mr. Finlay promised to introduce a bill which should do justice to the claim of the Free Church and repair the wrong done by the legislature in 1843. On the strength of this, he received considerable Free Church support—his constituency was Inverness Burghs, where the 'constitutionalist' element in the Free Church was strong—and, being supported also by the Conservatives, won the seat against a Liberal who stood on the Disestablishment platform. He kept his word and introduced his bill. The preamble declared that 'it is desirable to remove obstacles to the reunion of the Presbyterians of Scotland'; and its first and essential clause 'declared'—for it was a declaratory bill—that 'by the constitution of the Church of Scotland as by law established,' her courts 'have the sole and exclusive right to regulate, determine and decide all matters spiritual within the said Church'; further it was 'declared' that their procedure and decisions therein are 'not subject to interdict, reduction, suspension or any manner of review by any court of civil jurisdiction.' The next clause defined 'matters spiritual' as embracing all matters 'relating to'—a vague and controversy-inviting phrase which lawyers could fatten on—worship, discipline and government, and 'particularly matters relating to preaching, the pastoral office and Church censures.' These last-named particulars were,

as the reader knows, the matters on which conflict arose during the Disruption struggle, and their enumeration shows Mr. Finlay's intentional — and, one does not for a moment doubt, sincere—aim in his bill.

The bill was an interesting phenomenon in several respects. It was gratifying to find suggested in Parliament a very different attitude from that taken in the days of Peel and Graham, who declared shortly before the Disruption that no legislation was to be recommended. The *Times*, too, now made the rather belated observation that 'the Disruption of the Church of Scotland is due directly and entirely to the action of the House of Commons,' and this was echoed subsequently by a staunchly Conservative member—Sir James Fergusson—who said 'it was through a grave mistake on the part of Sir Robert Peel and Sir James Graham that the Disruption of the Church of Scotland took place in 1843.' All this hardly merits the title of wisdom, considering that it was nearly half a century after the event, but it was, coming from such quarters, interesting truth. It would seem as if the Free Church were to be recognised as in the right not only, as was admitted in 1874, about Patronage, but on the larger question of Independence too. This was an aspect of the Scottish Church situation which seems always to have struck Mr. Gladstone's sense of historic justice, and I find him referring to it in these terms in 1887 :—

'There has never been a harder case than that of these great Presbyterian bodies—the Free Church and the United Presbyterian—who always have, I believe, constituted nearly

one half of the population of Scotland, and who were practically put out of the Established Church because they maintained principles which, when they had been put out, the Established Church and the legislature have adopted for the present Established Church.' [1]

But even more curious than these parliamentary signs of repentant grace, was the ecclesiastical situation regarding the bill. It was a bill meant to promote Presbyterian union ; and yet not a single Presbyterian Church would agree to accept it for herself. Of course the United Presbyterians could not look at it. But the Established Church, somewhat carefully, declined to sponsor it, maintaining she had liberty enough and that the bill would make no difference to her. The Free Church—for reasons I shall explain immediately—opposed it. Here was a curious enterprise for a private member of Parliament—proposing on his own account to unite Presbyterianism by a measure for which no one of the great Presbyterian bodies would take any responsibility. For all this, the bill—receiving the support of the Conservative whips—was in some danger of passing and, as I have said, the Free Church felt obliged to oppose it, which was, in the end, successfully done.

The right—indeed, the pre-eminent right—of the Free Church to examine and pronounce on the bill was indisputable. It was called a ' Church of Scotland

[1] Speech at Nottingham, October 19. Principal Rainy, in a note to Mr. Gladstone a few days later, thanks him for this reference, but adds, ' *We* must work now not so much on the ground of the wrongs or griefs of the Free Church or U.P., but simply as claiming a settlement intrinsically just and therefore complete and final of a question which cannot rest unsettled.'

Bill,' but it made not the slightest profession to effect any reform in that Church, and, as I have said, that Church declined to ask for it. The bill was a declaration, and obviously the one body meant to be affected by the declaration was the Free Church. Now, if any one really desires to reconstruct the Scottish ecclesiastical situation so as to do justice to those who made the great sacrifice of 1843, the straight way by which, on the part of the legislature, that should be done is to ascertain fully and unambiguously what provisions are regarded by the Churches separated from the Establishment as necessary to give effect to their claims, and, further, consider what is just towards the interests of those Churches who have had to develop their own operations for so many years because of the long denial of their claims. Mr. Finlay's bill ignored the latter point and on the former was—though, I repeat, I do not question that its author meant it sincerely—a delusion. Did this bill give spiritual independence as the Free Church understood that? It 'declared' the 'right' of the Church in certain spheres. But all the judgments that led up to the Disruption admitted that. It was never denied that the Church had a sphere wherein she could exercise spiritual functions. It was even maintained that her exercise there was of the nature of a 'jurisdiction.' It was in the face of this that the famous judgments were given. Because the law held that, having given that 'jurisdiction,' it could define it, and, where necessary, discuss the competency of any exercise of it, and, where incompetency appeared, could even invade it by way either of positive command or negative in-

hibition. All this was now established principle of law and it remained unrepealed and absolutely unaffected by the Finlay Bill.[1] In addition, there was the same unhappy aspect of this matter that arose over the Patronage Bill. This bill was not a bill to unite the Churches. It was again a bill to satisfy individual members of the Free Church so that they might pass over to the other Church. Of this, all that need be said is that it is not the way to promote union. A union must be an honourable treaty between bodies which mutually give and mutually gain on equal terms.

It was, then, on grounds such as I have thus briefly indicated, that the Free Church not only did not trust but actively opposed the Finlay Bill. The way for this was open and without objection on the ground that it might seem grudging towards a sister Church. It will be remembered that the Free Church did not oppose the Patronage Bill. She did not petition against a bill which removed a grievance from a sister Church. But here there was no pretence of removing any grievance from the Established Church, which indeed declared studiously it was not for her sake the bill was to be passed. Therefore the Free Church felt at full liberty actively to oppose this bill; and, in particular, Principal Rainy went to London and did so with success. A Church is, in political things, always stronger in defence than in attack. And though the bill was espoused by men such as the

[1] The words in the bill about spiritual decisions not being subject to 'any manner of review' seem to be a protection; but this too was a delusion, for the civil courts held that their interference was not review but merely a setting aside as incompetent.

Duke of Argyll and supported by the *Scotsman*, it was defeated.

The second reading debate took place in the House of Commons on the 17th March 1886. Mr. Finlay, in moving his bill, made a quite admirably clear and cogent speech—one of the ablest speeches on the Scottish Church question that *Hansard* records. It was loud in praise of the Disruption, speaking of 'what took place on that May morning' as 'an event of which every Scotsman is proud.' That event was due 'to two causes,' of which the Patronage Act had removed one and 'the other he proposed to remove by this bill.' Mr. Trevelyan—afterwards Sir George Trevelyan—opposed the bill as Secretary for Scotland, and spoke in terms which recalled Mr. Gladstone's opposition to the Patronage Bill :—

> 'What are we doing by this bill? We acknowledge that in the great debate between the Established and the Free Church, the Free Church was right in every point; and, acknowledging that, we bring in a bill which declares that and then punishes the successors of these men by withdrawing from them every member who can be induced to think that the difference between the one Church and the other consists in a declaratory Act of Parliament.' [1]

Mr. Trevelyan was followed, it may be added, by the late Mr. J. P. B. Robertson (subsequently Lord Robertson), whose speech was notable for the extreme *animus* it displayed against the Free Church, 'a greater sign of the degeneracy of which,' he thought,' could not possibly be found than in the altered attitude they had

[1] 3 *Hansard*, cccliii. 1122.

taken up.' The division threw out the bill by 202 votes to 177. It was not a large majority. The Scottish members were against it to the extent of more than two to one—35 votes to 15—but the English Conservatives voted for it in large numbers and the aid of Irish Nationalists had to be called in to overbalance them. A bill for Scotland—which the Scottish representatives by two to one rejected : a bill to declare the Constitution of the Church of Scotland—which that Church affirmed she did not need : a bill to meet the scruples of non-established Presbyterians and so promote union—which they repudiated and opposed : a bill professing to secure spiritual independence—almost carried by English erastians and defeated only with the aid of Irish Romanists! Truly an unedifying performance altogether.

A debate on Scottish Disestablishment took place in the House of Commons a few weeks later. One of its notable features was the renewed regret expressed that the Disruption had not been prevented. No one seemed to have a word of defence for the Government that, in Graham's characteristic word, showed such 'firmness' in 1843. A member reminded Mr. Gladstone he had been a member of it, but the right honourable gentleman disclaimed responsibility. Mr. Gladstone spoke in the debate and thus referred to the bearing of this belated acknowledgment of Free Church positions upon Disestablishment :—

'You will not find a case on the face of the earth where there is a particular body established and endowed, and where, by its side, are two other bodies, not established and not endowed, maintaining the very same doctrine, the very same

government, and the very same discipline as the Established Church, and having either quitted the Church of Scotland or, as in the case of the Free Church, having been driven out of the Church of Scotland because of their most faithful and strict and uncompromising adherence to principles which they were then told were totally incompatible with the principle of an establishment at all by the Government of Sir Robert Peel (but told, I am bound to say, with the general concurrence of both political parties in Scotland), and these are now the very principles which we are now told are compatible with and loudly professed by the Church of Scotland.' [1]

The motion in favour of Scottish Disestablishment was defeated by 125 to 237; but it was, as usual, a case of the Scottish vote being overruled from England. The discussion of course was a purely academic one. Mr. Gladstone did not vote.

This political story may seem to be a digression. It shows, however, one thing which is essential to our history. It shows that it had come to be recognised on all hands—in the Established Church herself—that some adjustment of the Scottish ecclesiastical situation was necessary. No one proposed merely to hold on to the *status quo*. Against the policy of Disestablishment now stood, not the mere negative of that, but a readiness and even an attempt for reconstruction on an Establishment basis. It was largely on this development of the question that a great debate on Church and State took place in the Assembly of the Free Church in 1886. Mr. Finlay's bill had by that time been defeated in Parliament, and the debate was over the approval of the efforts of the Assembly's Committee against it. Practically, how-

[1] 3 *Hansard*, ccciv. 344.

ever, it was a discussion as to whether the Church should aim at Disestablishment or at a reconstructed Establishment as the basis of the future of Scottish Presbyterianism. Principal Rainy moved the motion on the former line, and the amendment—the one on which the division on the Finlay Bill was taken—was moved by a popular and persuasive legal member of the House, Sheriff Jameson, now Lord Ardwall. The vote was 476 for Dr. Rainy's motion and 98 for the other. Principal Rainy said there were two alternatives arising as to the future of Presbyterianism, and he held by the one he did, despite any pain or strain in it, because any other could be only 'a prolonged postponement of the main interests of evangelical religion in Scotland.' As to the idea that thereby he was taking a position which was a departure from the platform and principles of the Free Church, he declared he had 'habitually treated that more mildly than it deserved.' I may quote a few sentences here, for the point was destined to become of historic significance :—

'The idea that in advocating or working out views, the right of which in the Free Church had been asserted and acknowledged by men like Mr. Murray Dunlop and Principal Cunningham, that in doing this he should be told by what man—by what man left alive ?—that he was failing to take the position proper to a Free Churchman, he only said he repudiated it and declared they were the true Free Churchmen. All through the history of the Free Church, from the beginning of it, there began to be a series of decisions on this point—whether the Free Church should be regarded as committed by its Disruption position and documents to seek always carefully to build up on the Free Church lines exactly what had been cast down by the Disruption ; or whether the position really was that in

those documents they washed their hands of all responsibility for the destruction of that which they had defended to the last, and had maintained as defensible and consistent with the constitution of the Church as handed down to them, but that now they were entitled, and had it for their duty, to pursue the same great end by the means that now in the changed circumstances were proper and natural to be adopted. On question after question, all along the line, the final decision of the Free Church had always been for the second alternative. It was simply the question of the larger or the narrower construction of the principles and duties of the Free Church.'

This is not the emergence of the question, but it is one of the earliest formulated statements of the question at issue in the great law-suit of 1904, when—after the Scottish bench had been tried in vain to produce a single judge to say it—five were found 'alive' in the House of Lords to tell not merely Principal Rainy but also 'Mr. Murray Dunlop and Principal Cunningham' and all these decisions of the Free Church 'from the beginning of it' that they were quite wrong as to what the principles of their Church were. We are still some way from this astounding decision, but its mention in such a connection as the present will help to prepare the reader to understand when it comes with what a shock it fell upon the minds of educated Free Churchmen.

There was in Scotland at this time a good deal that seemed to point to another and more conclusive test of strength over the issue of Disestablishment. Projects on the line of the Finlay Bill inevitably produce that effect. But an event occurred in the region of the greater politics which overwhelmed all such local interests. Mr. Gladstone, who thought Scottish

Disestablishment not ripe, thought Irish Home Rule ripe—surely (and this may be said without expressing any opinion on the political merits of Home Rule) one of the most amazing miscalculations ever made by an old parliamentary hand. He had brought in his Home Rule Bill, and it had been rejected in the Commons. The Government went to the country and a new general election was imminent. As regards Scottish Disestablishment, Mr. Gladstone's aim was now—and now it was perhaps inevitable—to subordinate everything to the one absorbing question. I find Principal Rainy addressing to him the following letter with the view of keeping at least the door open. It is dated 19th January 1886, and runs as follows :—

'DEAR MR. GLADSTONE,—In your admirable speech last night you alluded to Mr. Finlay's Bill, and I wish to express gratitude to you for the disapprobation of it which you indicated. At the same time you referred to "an understanding established at last election that the question of the Church in Scotland was to be maintained in a description of neutrality." May I remind you that many of your warmest supporters in Scotland protested instantly against such an understanding as soon as it was proposed? It was only because we felt we could make that protest effective and could hold our representatives to the other view that we were able to take part in the election as your supporters. We did make our protest effective, though of course, after your declaration, with great difficulty and some loss. But it will be a serious complication for us, and surely a needless one, if again at this election we are driven into a position of not merely equal difficulty but increased difficulty. Why not leave the election and Parliament free on that question? Plainly, the result of the line of utterance which your allusion of last night points at, especially when taken up and echoed by candidates up and down the country, is to produce the impression that on that subject

the ensuing Parliament is morally disabled from taking action. Very sorrowfully we have learned that it is not likely we shall have your help in that great act of justice. Leave us at least free to help ourselves, trusting we shall not use the discretion recklessly. Leave open—may I add?—the possibility that God's providence may open to yourself a path which at present seems to you closed. Do not administer to those all over Scotland, who would value your sympathy beyond price, what they feel to be repression and postponement. Be assured the men whom you must mainly trust in Scotland are those whom this style of treatment renders sore and sad when another temper is wanted for your own cause.'

The note of warning in this about 'the men you must mainly trust' was fully justified by events. When Mr. Gladstone appealed to Scotland to aid him in his Home Rule battle, he found, in the main,[1] those who had been strongest in urging him to wave back Disestablishment and had done so successfully, were now his bitterest opponents. The *Scotsman* met him with an antagonism which made him write about 'the detestable state of the press';[2] while anti-Disestablishment Liberals, such as Mr. Finlay, were almost to a man Unionists. On the other hand, while certainly much of the old enthusiasm remained and indeed could hardly fail to be stirred at the heroic crusade of the octogenarian warrior, still Mr. Gladstone was not the object of the unquestioning trust that once he was. The result of the general election on Home Rule, which placed Lord Salisbury in power with an overwhelming majority, is matter of history.

[1] There were, of course, exceptions. Thus Lord Rosebery, who had been cold about Disestablishment, supported Home Rule in those days. On the other hand, Professor Calderwood, a staunch disestablisher, was a strong Unionist.

[2] Morley's *Life of Gladstone*, iii. 343.

We are not called on to pursue further the political story, but it should be noted that the emergence of the Home Rule controversy had an influence on the Disestablishment question beyond the obvious one that it put out of power the party from which this solution of the Scottish Church question alone could come. The existence of Liberal Unionism gave rise to a new element in the situation. There were a certain number of men—not perhaps very numerous, but some of them influential and respected—who had been disestablishers but now found themselves associated with a party to which, of course, Disestablishment could never be proposed. Naturally, men in this position gravitated to some other solution of the Church question; and in this way impulse was given to at least the consideration of the alternative of the reconstruction of the Established Church. A 'Layman's League' was started with considerable expectations. With some in the Free Church the cry was raised—and of course diligently repeated in the anti-Disestablishment press—that the laity of the Church were opposed to Principal Rainy's policy in this question. It is of some importance to note that the circumstances which gave any truth to the cry were not religious or even ecclesiastical, but political. The laity of whom this was true were almost entirely of one political colour. This does not mean that there was in their position anything illegitimate. Those associated with a party in which Disestablishment could not be named had surely as much right to be in the Free Church of Scotland as those associated with the party that might adopt it. All I mean in what has been said

is to show the bearing of the great political upheaval over Home Rule upon the ecclesiastical question. Not only was Scottish Disestablishment crowded out and indefinitely postponed through Home Rule, but a new phase of sympathy with something less than Disestablishment was inevitably developed in men who found themselves with new political associates.

One way in which all this found expression was in informal conferences about union attended by members of the various Churches. Principal Rainy was more than once asked to attend these, but he never felt it right to accept the invitation. This was certainly from no unwillingness to talk frankly especially with the Established Church, but he had the responsible public man's dislike for irresponsible action. I find among his papers a letter addressed to Dr. Laidlaw in response to a request to join such a conference, and it may be quoted as showing his attitude both towards it and the whole question generally :[1]—

'I have considered very carefully the invitation which reached me through you to join a Committee embracing representatives of the three larger Presbyterian Churches for the purpose of considering the possibility of union, and the methods by which it might be sought. I need hardly say I recognise emphatically the importance of the object. The reunion of Scottish Presbyterianism is an object which can scarcely be placed too high.

'At the same time, it is an object which lays grave responsibilities on those who undertake it. It should not be played with. It should not be undertaken but upon clear grounds

[1] There are two drafts of this letter, substantially the same but varying in phraseology. As I do not know which was sent off, I have taken the liberty of choosing what seem the clearer phrases, from sometimes one and sometimes the other.

and with deliberate forethought. If it is taken in hand at the wrong time or in the wrong way, it is quite possible that not only failure but increased misunderstanding and alienation might be the result.

'I feel some difficulty, I confess, as to entering a Committee where I am to have a representative character and where my action will create expectations as to the course likely to be taken by my Church. I have no authority to take that position, and nothing has occurred to suggest that such authority should be asked or given. I should welcome an opportunity of exchanging views on the whole situation with the thoughtful members of the Established Church. But I doubt whether the setting up of a Committee like the one proposed is likely to lead to the frank exchange of opinions and impressions which ought to precede formal and public action.

'I must add, however, that I have another difficulty. I have the strongest conviction that reunion is simply impossible while the Established Church is in its present position; and therefore I have long held that Disestablishment is indispensable with a view to reunion of Presbyterianism in Scotland. I am aware of the objection that Disestablishment would awaken feelings which might long delay union. That is not impossible: still, I can only reply that there is no other way to it. Whatever else may be desirable with a view to the consummation, Disestablishment is indispensable. I cannot consent to take any step which might be held to indicate doubt in my mind upon the point. But it is a view which is no doubt unwelcome, possibly offensive, to one section of the proposed Committee. These members might have reason to complain if they found that a conference aiming at union was turned into a discussion on Disestablishment. I think it right, therefore, to say explicitly that a preliminary understanding on this point is with me indispensable to all further discussion.

'I am far from thinking that Disestablishment is not a proper question for Established Churchmen. For the happiest way of carrying the question in Scotland is that it should be carried with the support—the disinterested support—of at least a large section of the Established Church, acting in view of the general good. I hope to see it carried in that way;

and therefore I am very far from being indifferent to the views entertained upon the question among Established Churchmen. But I do not think it suitable that the subject should be attempted to be forced on them in a conference without their consent.'

These conferences, it may be said, invariably broke up over the fact of establishment,[1] and they were no part of Principal Rainy's life. It is important, however, to recall that, while he declined to take part in these irresponsible meetings, he had—as the reader knows—held out to the Established Church Assembly an invitation to confer if the basis embraced the whole question.

While Principal Rainy would not attend these conferences, one or two extracts from his letters practically state what he would have said at them if he had been present. I find, for instance, Mr. Murray Garden, a distinguished Free Church layman in Aberdeen, writing to the Principal an account of a conference which had been held in that city, and attended by both Established and Free Churchmen. Its scheme seems to have been an incorporating union between the Churches on the basis of the relation to the State to be ' that claimed in the Free Church Claim of Right ' and the Church thus united and freed to be ' recognised by the State,' while the teinds (life-interests of course respected) were to be surrendered probably to national education. On this paper reunion, Principal Rainy wrote to Mr. Murray Garden :—

' I am extremely interested in these discussions, which will

[1] This will appear in some account of a later conference held in 1893. Vide pp. 158-9 *infra*.

certainly advance the right solution, whatever it is to be; and the ideas you report prove strongly that things are moving in the most unlikely quarters. I confess I could not help smiling a little on the State Church which is to receive from the State strong assurances that it will never touch her—(and, I suppose, a Lord High Commissioner)! The proposal illustrates how various aspects of the question hold Scottish minds. But do you not think it would be nearly as easy to carry Disestablishment itself?

'You ask me to say in a line how this would suit the Free Church. I cannot answer for the Free Church. In one view there is nothing in what you propose which our declared principles forbid us to accept. There may be a good many Free Churchmen who would feel some difficulty. But the practical question for the Free Church would be whether it is a wise and sound line on which to launch the future history of Presbyterianism. This would be the question if such a scheme ever assumed consistency enough and came enough within the region of practical business to make it reasonable for the Free Church to speak its mind about it. . . . So far as reconstruction goes, my conviction is—and I am disposed to press it as far and as deep as I can—that it must be complete, it must be permanent, and it must be on sound principles, not merely theoretically but in this sense—that we do not entangle ourselves with forces which we can see to be plainly working in a way fitted to corrupt, to place us in wrong relations and to exhibit us in a wrong light. I see no combination into which the State enters that is consistent with these *desiderata*, and that is why I keep steady to the point of Disestablishment—an object which, merely for its own sake, is unattractive enough. We must consider how the evangelical life which exists in the country is to be safeguarded amid the combinations we plan. And there are very grave reasons connected with that supreme interest which rise to my mind in connection with many of these schemes. . . . I do not hold myself infallible, and any one who is open to light must welcome the ardent occupation of many vigorous minds with the question. But it does seem to me that as yet a good many of them are rather trying to find embodiment for interesting sentiments associated with the past—a most worthy past—than resolute

to prepare a strong and durable basis for the future, as well as to reckon with the actual forces which must decide the question.'

On the other hand, there were schemes of the opposite line—namely, schemes which would let establishment go, but made a stand over retaining the endowments. With these Principal Rainy had less sympathy. He wanted a national, not merely a Presbyterian settlement of the Church question, and he altogether deprecated entangling a great and religious issue such as the union of evangelical Churches with a haggling over money. I find him thus writing to another Aberdeen correspondent :—

'As to schemes of dividing the teinds among Presbyterians, I am satisfied it would be a calamity if the Free Church could ever be led after such an *ignis fatuus*. Politically the only alternatives worth looking at are simple Disestablishment (and Disendowment) or concurrent endowment of all sects. Most of us took our ground on that question when Gladstone disestablished the Irish Church, and we are not going to change now. It will occasionally happen that among those in the Free Church who support Disestablishment, some will be caught for a time by projects that look toward some way of utilising the money for religious purposes, in whole or part. They will be brought right again, not by insisting that they must become pure theoretical voluntaries—which they will not be—but by making it clear to them that each separate project of that kind is a delusion and a snare. . . . For there is no solution in the end of the day, politically possible, simple and honest, but Disestablishment, and the application of the funds to purposes apart from religious bodies.'

To these lines, Principal Rainy resolutely adhered. It was not obstinacy that made him so firm. He was anything but an obstinate man in the sense of a man

not open to the give-and-take which is inevitable in practical affairs as distinguished from mere theoretic debate. But his eye never lost sight of the future, and therefore he would never dally with an arrangement which was not a final settlement but simply handed on difficulties to the morrow. It would, indeed, be hard to name any other public man, either in Church or State, of whom more truly it can be said that he worked for the future. I suppose if the cheapened word 'statesmanlike' has any meaning left in it, this is what it must mean.

But if Principal Rainy worked for the future, he also worked—as he once said of Mr. Gladstone—*in facie æternitatis*. The following may suffice to reveal and illustrate this, which is not a matter to be more than touched on. At a particularly trying phase of the Disestablishment controversy, Principal Rainy one day met with two friends for consultation in a lawyer's office—the office, I may mention, of the late Dr. John Carment, a greatly respected and still remembered citizen of Edinburgh. When they had talked over their business, suddenly the Principal seized the two men by the shoulders and pulled them down, with himself, upon their knees and then poured out his soul in prayer, not for the success of their policies, but for Scotland, with a directness and a devoutness which the survivor (who tells me the story) can never forget. That kneeling figure in the lawyer's office is a glimpse, all the more valuable because the world could never be meant to see it, of Rainy the Disestablisher, who was being almost daily represented to the people of Scotland as a worldly ecclesiastic and a mean-motived sectarian.

This matter of Disestablishment will emerge once more at a later stage in our narrative—for which, let not the controversy-wearied reader lay blame on the biographer, whose course is fixed for him by fate and whose duty is only to follow as the history leads—and we may leave to that later stage any general reflections on this phase of Principal Rainy's career. Meanwhile the reader of the type just mentioned may have a complete respite from controversy (which assuredly to the writer will be not less welcome), for now we follow Principal Rainy into an exalted situation—aloof from all party strife—to which, as has already incidentally been mentioned, he had been called.

CHAPTER XVIII

MODERATORSHIP OF THE GENERAL ASSEMBLY: PERSONALIA: TRAVEL: RAILWAY STRIKE

TO be elected Moderator of the General Assembly is the highest honour that a Presbyterian Church can confer on any of her ministers. The occupant of this chair presides over the sessions of the Assembly, but has, in addition, a *quasi*-primatial precedence and dignity throughout his year of office. In the democratic Free Church, the Moderator's position was indeed one of even more outward ceremonial respect than in the Established Church of Scotland, for in the latter the Lord High Commissioner naturally takes the first honours. In the Free Church, the entrance of the person occupying the chair is heralded by a stentorian shout of 'The Moderator' from the chief officer of Assembly, whereupon all rise and wait in respectful silence while he passes to his seat, from which he makes three stately bows—one to the right, one to the left, and one to the centre of the House, each section (or at least the properly bred among them) bowing in return. When the thing is well done—there are, of course, some Moderators who are, as a critical Highland member once said, 'maist perfunctory in their *boos*'—it has an impressive effect which thrills the ladies' gallery and has solemnised strangers even from America.

Moreover, the Moderator of the General Assembly is the one minister in the Church to whom the puritan simplicity of Scots Presbyterianism permits some indulgence in the outward vanities of life. As no young man is ever made Moderator, it is presumed that this can be done with little risk. He rides his carriage at the Church's expense. He is presented almost daily with magnificent bouquets. He wears an elaborately frogged gown over court dress with lace ruffles and silk stockings and silver-buckled shoes and what not. The 'constitutionalist' Free Churchmen liked to think that the significance of the court dress was that the Free Church of Scotland was still and always ready to receive the Royal Commissioner if and when he should come with the answer to the Claim of Right and to restore to the true Church of Scotland the 'benefits' which she should not have been compelled to surrender in 1843. There was not much likelihood of his Grace coming on any such errand even in days when, as we have seen, the principles of 1843 were being largely acknowledged as the true principles of the Church, and when men in Parliament were laying the blame of the Disruption on the Government of the day. If, however, he had come, the Moderator of the Free Church of Scotland would doubtless have met him with every courtesy and considered the visit both an honour and a pleasure; but if his Grace should thereupon begin to pull out documents and his purse and propose to talk about re-establishment, then I imagine the Moderator would suavely assure his visitor that the Church had now found a more excellent way. How admirably Principal Rainy could have

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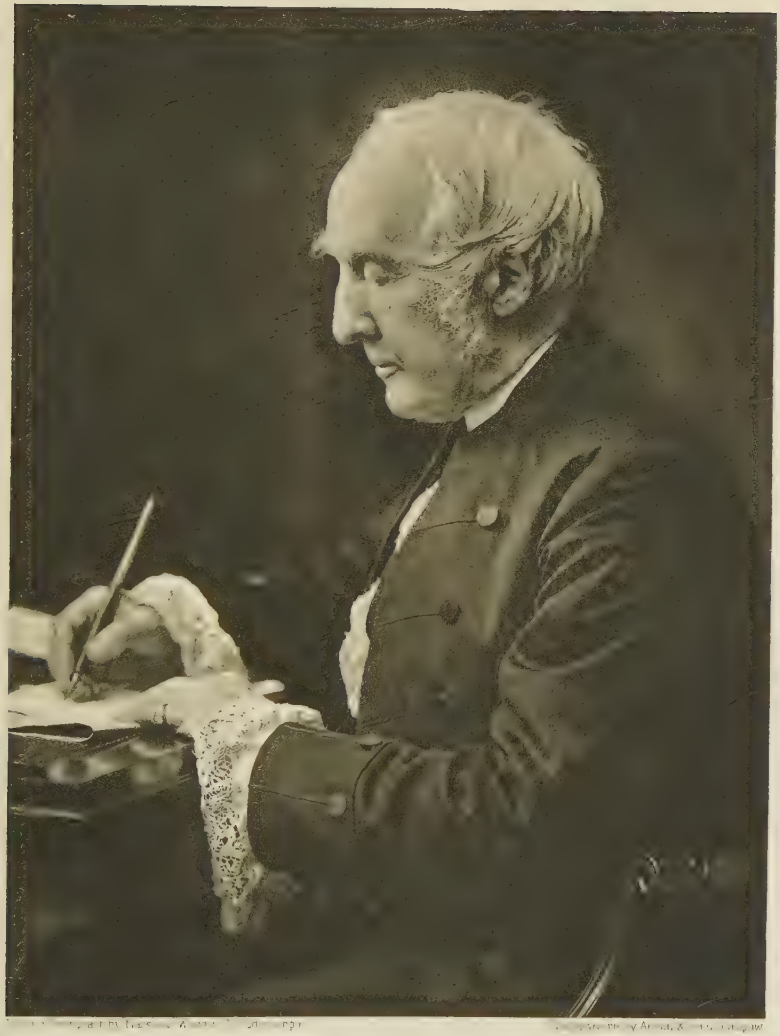

Principal Rainy

MODERATOR OF THE GENERAL ASSEMBLY

said this, if only the Royal Commissioner had come during his year of moderatorship!

It was in 1887 that Dr. Rainy was called to the chair. His elevation had this notable feature about it, that he was the first Moderator of the General Assembly in the Free Church of Scotland who was a post-Disruption minister—that is to say, who had been ordained later than 1843. He refers to this in his letter accepting nomination,[1] addressed to Dr. A. N. Somerville—the well-known and world-wide missioner—who was his predecessor in office :—

> 'I am deeply sensible of the kindness of my brethren in proposing to call me, in existing circumstances, to the chair of next General Assembly. It is my duty to obey that call. And, if elected, I will strive by God's blessing to perform aright the duties of a position made illustrious by the services and sacrifices of those who up to this time have been chosen to fill it.'

At the Assembly, his election was proposed by Dr. Somerville and seconded by the Earl of Moray. He was welcomed with exceptional enthusiasm. He looked the part to perfection, and his 'boos' were all that could be desired.

The Moderator of the General Assembly delivers an opening address—a practice inaugurated in 1705 by the eminent Carstares. Dr. Rainy's address was a discussion of the changes that had come upon the intellectual world since Disruption days—'those

[1] The 'nomination' takes place at an informal meeting held months before the Assembly, that the Moderator-Designate may have time to prepare for his duties. It is becoming customary to speak of the Moderator-Designate as the 'Moderator-Elect'; but this is inaccurate, for the election, *ab initio*, is with the General Assembly.

anxious yet stirring and high-hearted days' as he called them — and the bearing of these changes on religious belief. After enumerating some of them— educational, political, scientific — he spoke of the 'varied denial, doubt or debate' thus arising for many minds, which, however, he would not wholly condemn. On the contrary he said :—

'May we not ask this question first, whether the general stirring of doubt and debate, on even the most fundamental questions, is of itself a thing of such purely evil omen ; and whether general acquiescence and reverential deference to the form of sound words is so certainly to be preferred ? Is it always preferable ? No doubt it is a sad thing for any man to be held and mastered by religious negations. No doubt a time of outspoken debate on questions which concern the foundations of faith must throw up many things that grieve believing hearts and must be accompanied by some special dangers for those whose opinions and impressions are in course of being formed. But may not such a time prove to be exactly what the cause of God needs ? Is it not a great thing, a very great thing, for any one truly to believe in God—truly to believe that Jesus Christ is indeed the Son of God ? We profess to hold it to be a great thing : our theology represents it as a great thing. And, if such a time as I speak of, amid all the levity and shallowness and wantonness of utterance that may characterise it (not on one side of the debate alone), still has this for part of its meaning, that a number of persons are awakening to the consciousness of being without this great faith in God, in Christ—are finding that they know not how to justify to their own minds such a faith nor how to reach it—are resolving that in these circumstances they will not pretend to have it ; may not this, bad as it seems, be better and more hopeful than the mood which cares too little for the subject to stir the question ? '

Then, more boldly, he went on to say that all this might be beneficial even to the Church's mind.

'If now the question is suggested, what attitude the Church of Christ, or any of the Churches, ought to take with reference to these processes of discussion and research and revision which lay hold on all the aspects of Christianity, it shall be said for one thing that we must be prepared to profit by them. . . . As no man, so no Church is entitled to act on the assumption that it has nothing to learn and nothing to unlearn. As long as we are in the world we are at school!'

That the Church may have, not only to learn, but to unlearn—that is a notable word from a churchman. And yet this certainly did not mean in Principal Rainy any uncertainty about what Christianity is and always must be. He went on :—

'Really, by this time, the Christian religion is an historical fact, and its main characteristics are known and are unchangeable. In spite of differences and debates among Christians on matters of some importance, the main features of Christianity—the great beliefs in which it has approved itself to men to be what it claims to be—are known and are unchangeable. It is vain to think of transmogrifying this religion in any of its main points and still calling it Christianity. One does not take eighteen hundred years to find out what the faith is that was delivered to the saints and what the faith is by which the saints have endured and overcome. . . . Christianity is what Christ delivered to the Apostles and what the Apostles delivered to the Churches. You can never get past that : you can never alter it : and you can never find it anywhere but in the Scriptures.'

He denied that these two points of view—on the one hand, a readiness to learn and even unlearn, and, on the other, an assured confidence in the substance of the Church's message—were contradictory.

'These two things are apt to be set against one another. To oppose them to one another is the constant effort of skilful

foes and unwise friends. "If you are sure, you can admit no inquiry and no amendment; if you admit inquiry, you cannot be sure." But the two belong together. They are the standing conditions of Protestant Christianity. . . . On the one hand, we are quite sure that we are not infallible—our thoughts may be purified and widened. But, on the other hand, we are quite sure we have found an infallible Lord, who is not silent but has spoken. There is room for a superb confidence in Him as our Prophet, and Priest, and King, and for a great humility on account of our shortsightedness, one-sidedness, and unspirituality of mind.'

The above are but the main positions in an address which was a remarkable one to come from the chair of the General Assembly.

At the close of his address, Principal Rainy made reference to an event which had moved the whole Church. In the previous year, the Hon. Ian Keith-Falconer, third son of the eighth Earl of Kintore (who was an elder in the Free Church of Scotland), offered himself to the Church to go out, at his own charge, as a missionary to Arabia. The offer was a remarkable one, for Keith-Falconer was a brilliant scholar and was Lord Almoner's Professor of Arabic in the University of Cambridge. The Church accepted the offer, and Keith-Falconer, accompanied by his wife, whom he had married only a year before, went out to Aden in 1886. His consecrated life was cut off by fever within a year. Principal Rainy made the following reference to this falling in the Lord's battle of this gallant volunteer :—

'Very visibly, he gave to the cause and kingdom of our Lord Jesus all he had. His university distinction, his oriental learning, his position in society, his means, the bright morning

of his married life, and, I may add, his physical vigour—for he had trained body as well as mind—he brought them all to the service. He did so the more impressively because he did it with no fuss about it. We need not doubt that his free and complete gift was accepted. It was well that it was in his heart. Suddenly, to our thinking, the Lord has been pleased to take him up higher. We might think that had he been spared, his life might have been fruitful, not only as a force abroad, but as an example at home. For he was the first in our Church's experience who was at once able and willing to inaugurate this special type of dedication to mission work, and his life might have been a standing appeal to others. But shall his death have no appeal? Who comes next, now Keith-Falconer is down?'

The Dowager Countess of Kintore kindly permits me to give the letter Principal Rainy wrote to her on her son's death. It is as follows:—

'Dear Lady Kintore,—It was only this forenoon on arriving from the country that I learned the sad news—sad from our point of view when we think of all we have lost and all we had hoped, not sad if we could view it from the upper side. I do not write as if I could minister any comfort, but only to assure you that you will be lovingly remembered at this time of sorrow by many whom you do not know. It is a very great bereavement. And yet I cannot but think how proud and thankful you must be to be the mother of a man who so simply and completely gave all he had to the Master's service. It is not lost. It has been accepted. My heart is sore for the poor young wife. But she will have strength given to her.'

The name of Ian Keith-Falconer will long be remembered in the Church, and is commemorated in the mission buildings near Aden. *Ante diem periit, sed miles.*

The Moderator's call for volunteers was not in vain.

Out of the forty men completing their course that year at New College, eleven offered themselves; as did also others in earlier stages of their curriculum. It is in things like these, not in policies and controversies, that the true history of a Church is to be found.

In his closing address to the Assembly, Principal Rainy intimated he had meant to speak on the 'eventual reunion of Presbyterians in Scotland,' but 'almost at the last moment I have changed my mind,' thinking that on the whole a discussion of it might prejudice rather than help. He said, however, some things. He said very emphatically that a union between the Free Church and the United Presbyterians 'comes first in order and ought to be completed as soon as it can be done with comfort and edification.' Then he went on in a passage which deserves to be quoted in full :—

'While we have very strong and abundant reasons for thankfulness on account of God's goodness to the Scottish Churches, in some directions the effects of our dissensions are little less than heartbreaking. But just because the interests connected with the subject are so weighty I am against playing with union or making a merely tactical use of the question. I have once and again declined to bring it into play as a controversial weapon. As a general rule, I think we ought not to say much about it till we are prepared to translate our words into acts. But, at least, there ought to be no doubt that the object claims the thoughts and prayers of every Scottish Christian and patriot. I recognise the obligations it imposes on us as a great national and Christian object. I do not only think of it as desirable, but as practicable. I will not say, in the face of our past Scottish experiences, that a movement for reunion will embrace all, even of those whom we might desire to include. There seem to be always

some outstanding elements. But I believe that there is a grand mass of genuine and honest Presbyterianism in Scotland which might be reunited, which ought to be reunited, and which desires to be reunited. And I have no love for indefinite delays, which may increase the difficulties rather than diminish them. In turning, however, from the subject, for reasons which I have just indicated, may I remind myself and you that, as labouring for Christ, there are some things that ought to be present to our minds, profitable for us whether the union comes or not, essential to be cherished if it ever is to arrive? One of these is the conviction how much it concerns each of the Churches that the others should be spiritually prosperous and spiritually efficient. If ever we are tempted to suppose it an advantage to a Church that the others should fall off in these respects, we are making a very foolish and a very shallow mistake. Every gain in spiritual purity and power and fruitfulness outside our own borders is gain to us. We may desire to share it, but we must, at the same time, rejoice in it. And any loss of spiritual tone around us is loss and weakness to our own congregations. Again, let us cherish the conviction that in the separate path which each Church is providentially pursuing some lessons are learned, some acquisitions made, some gifts ripened, which are the proper result of that special discipline, and which have a value of their own. This is not the less to be owned, supposing it to be true, that in our opinion some valid objections could be made good to the position and to the course which a given Church has taken. We may think so; we may be right in thinking so. But we have very shallow thoughts of God's providence and grace if we do not make room in our minds for the faith that in their case and in ours God can overrule our history, so as to carry on a training, out of which He brings results bearing the stamp of His own goodness. If a day shall arrive when at some worthy and legitimate meeting-place the Presbyterians of Scotland shall flow together, we may be sure that each company will have peculiar gifts and lessons of its own to contribute to the common welfare and the common strength. Lastly we have been most impressively and instructively admonished by my venerated predecessor to cherish a spirit of thankfulness. Well we may. Let us be warned at the same time that while the proper

breath of thankfulness is humility, there is a strange readiness on our part to wed it rather to arrogance. God's goodness is made the occasion of our pride. At the Disruption, and in the days that followed, we had ground for the most copious and emphatic thanksgiving. We were as men that dreamed; the Lord had done great things for us. Did we escape the temptation to turn this goodness into an occasion for arrogance and scorn? Looking back, I say no. We did not escape it. Therein we sinned, and I suppose we have also been chastened for it, "for our profit, that we might be partakers of His holiness."'

A passage such as this only makes one again regret that the standing obstacle to the realisation of Scottish Presbyterian reunion had not been removed when the occasion offered, so that a churchman with a spirit like this might have been free to construct and achieve —as no one could have done so well as Principal Rainy —this object of 'the thoughts and prayers of every Scottish Christian and patriot.'

Turning from this topic, the Moderator gave his address a purely religious character. He pleaded for 'lives to be laid down' and urged Christ's claim to an entire devotion.' The following is a characteristic passage :—

'There is a well-known Highland story—Scott tells it somewhere—of a chief and his clan overmatched in battle and hard pressed in their retreat. Again and again the chief was almost reached and killed, but always one or other of his seven foster brothers saved him, each in succession throwing himself between at the right moment, with the cry, "Another for Hector!" till they were all slain. It is a story which in one respect I confess I do not greatly like. I admire the clansmen; I am not so sure about the chief. One thinks it would have set him better to die for the children of his race, or with

them, and not to come off with a whole skin from such a battle as that. But the Chief whom we serve cannot be impeached in that way; and the expenditure of life for Him is not to be always in one brilliant act of sacrifice, but far oftener in the glad surrender of life's hours successively until all the years are full. I have thought a hundred times of trying to preach on that standing text—once, I believe, I did try, and was ashamed of myself afterwards—" Hereby perceive we the love, because He laid down His life for us, and we ought to lay down our lives for the brethren." We ought—we ought to lay it down—that is the principle for every Christian. I confess I have been again and again fairly paralysed when thinking of preaching on that text. But many Christian lives have in their degree been honest sermons upon it; and I trust there are young men and young women in the Free Church to-day whose lives are to be fresh sermons on it to the glory of God and to the good of man's estate.'

He went on to characterise the distinctive features of great epochs of the Church's history. In the early ages the ruling thought, theologically, was the Incarnation, and ethically the question was 'the flesh' and how that might be overcome. Both were carried over to the Middle Ages, but with modifications. These ages were full of the thought of the Church, and along with that arose the impression—'by many realised with passionate earnestness'—that all must be subsidiary to an inward and outward *imitatio Christi*. Dr. Rainy—a Scottish Protestant if ever there was one—always had an interesting appreciation of the spiritually sincere element in mediæval monasticism, and on this occasion he spoke of it thus :—

'In that dark time there were many before whose minds there rose continually the image of One who was perfectly unworldly—untouched with the world's excitement and eager-

ness and greed—patient, content to be poor and suffering, gentle, helpful—who had the best right to all the world's possessions and never used it. I think many of them could not tell very well wherein the great treasure of Christ's soul, His vast possession of good, should be thought to consist; but the sense of it as something divinely great, something wonderful and unspeakable, was renewed for them continually as that meek and loving face, sublimely free from this world's passions, utterly indifferent to the world's possessions, rose before their minds. To come nearer to the vision they saw, nearer in the temper of their mind and the fashion of their life, seemed to be the best thing. It inspired some with a longing which determined their whole life. It came down on others with strange power in hours of recollection and remorse. Very commonly it involved men in an inextricable difficulty as to the view to be taken about the energies, pursuits, and achievements of earthly life. Hence violent contradictions and oscillations are presented side by side with lives of sustained superiority to all the common elements of earthly well-being.'

Then came the Reformation with its new apprehension of forgiveness and along with that, as a complete and sure basis of friendship with God, 'the recognition and consecration of every legitimate walk of human life.' In our own day, Christ Himself is most prominent in Christian thought and the historical verification of what He was and said; while practically, Christianity is tested chiefly by its being able to produce a life that is pure and unselfish and victorious. From these reflections, he turned to appeal, especially to 'younger men to whom eminently the future belongs,' and closed with these words:—

'Brethren, aim at doing worthily and achieving much. Ask much and watch for it. Break through the narrow bonds of routine and circumstance and the limits which dwarf our lives and dwarf our work. Let it be the great discovery of

your lives to find out in your own case how those limits can be effectively and victoriously broken, and how your services can expand into something worthy and memorable. We celebrate the past, but be assured there is no spell in the past to hinder your surpassing the past. There are attainments to be made in getting nearer to God, and discoveries as to how to get nearer to individual men and classes of men. There is no virtue in a feverish and spasmodic restlessness that hankers after peculiarity and notoriety ; but there is a sacred independence in conceiving and executing your life work as servants under Christ which is to be cherished and exemplified. Much depends on your not flinching when the moments come which may be the outlets to new and glorious labours, or which may offer to you new clues to be followed out. Find out how to lay Christian hands on the men and the classes that seem to have drawn away from us. Find out how the Churches are to be stirred to more exemplary and fruitful life. More love and more prayer and more expectant application of mind will find doors opening that at present seem closed. The difficulties in some directions are great, and discouragements depressing ; but

> "Faith still works her miracles,
> Though now she works by love."

Learn to serve Christ on the great scale, and even, if the scene of your work be narrow or obscure, serve Him on the grand principles which make life strong, noble, and spacious. Never look at any period of the past with a timid or a cringing heart. From the greatest and most impressive of past services and departed servants turn to your own work with the thought—I also, I too, am a servant of Christ Jesus.'

Many still remember the ring in Dr. Rainy's voice in these closing words. There were, to the writer's knowledge, in the Assembly Hall that evening strangers who had come merely to see Principal Rainy and hear his address and who were astonished to find that a man whom they had thought of merely as a political

ecclesiastic could thrill the audience with the power of his spiritual appeal.

Dr. Rainy made a great Moderator and, also, he greatly enjoyed his moderatorship—even the honours and pleasures of it. Never was there a man who less sought either honour or pleasure, but it was rather a feature of his healthy nature that when these properly came in his way, he never affected to be above entering into them and enjoying them. His was a nature absolutely free from any kind of morbidness in face of the good of life and yet as unworldly a spirit as ever dwelt under the rule of an ascetic.

The moderatorship of the General Assembly is, with many Scottish ecclesiastics, the climax of their career. It was certainly not so with Dr. Rainy. He was now but little over sixty, and the greatest events of his life were still before him ; moreover, his was to be the very exceptional experience of being twice again called to the moderatorial dignity. We may, however, pause for a little at this stage of his career to refer to various more personal and general features of his character and life for which some place must be found in our picture.

A few words may first be said of him in his own family. A little incident will indicate the spirit of the home and the Principal's relationship with his wife and children. On one occasion when he was being assailed in the public press with more than usual malignity, a friend said to him that he wondered how he could go on under it so quietly. ' Oh, man,' replied the Principal, ' I 'm happy at home.' Of course this answer does not give the whole secret of his almost

unequalled serenity of spirit, but it is an interesting part of it. As to what he himself was in his home as a husband and father—that is something it is quite impossible to delineate here. He was so unfailingly strong and so unspeakably tender. It was not so much the particular thing he said or did that his family could tell of, as just himself—his presence in their home and their life; and that (as one of his daughters put it to me) 'is—is it not?—what we feel about the Heavenly Father.' Another of his daughters writes:—

'I feel it difficult to write of these things, for I have no words to tell you of them. To us he was just "Father." I suppose most children begin by thinking their father the most wise and strong and tender of beings, and with us that went on to the very end, with an always increasing sense of how unusual *such* wisdom and strength and tenderness were. For myself, it is to him I owe all my earliest ideas of what the Fatherhood of God might mean. They all came translated to me so inevitably, so securely, through that dear and familiar medium that never once failed me all my life—never once came short of my hopes or my needs. And it was so with us all. I remember how a sister once wrote to me, 'I know you read the thirteenth verse of the 103rd Psalm as I do—'Like as *my* Father pitieth his children'—and that means just everything."'[1]

One feature of his home life was the extraordinary interest he took in his children's affairs. When they

[1] The reader will remember how, in a letter quoted in an earlier chapter (vol. i. p. 24, *supra*), Miss Christina Rainy tells how her (and the Principal's) mother interpreted for them St. Paul's verse about Charity never failing. I wish to add that both that letter and the one quoted here, were private notes to myself, not written for publication; but for that very reason I have taken the liberty of using them, feeling that they have a value which a tribute, carefully prepared for the public, could never have.

were little, he delighted to go with them to buy their toys. As his sons grew older they took in the *Boy's Own Paper*, and nearly every week they found it, on its arrival, carried off to the study where their father was reading its stories with great relish to debate them later with keen interest. Similarly he would read the fashions in a ladies' journal and discuss these with his wife and daughters. He was fond of reading poetry with and to his family. He joined in young people's games and took the lead in carrying them through with spirit. His letters to his children show the same characteristic. He writes as one interested in what interests them—describes incidents with minute detail, draws plans of the houses he is staying in (adding such comments as ' a splendid house for hide-and-seek,') tells stories and so on. He was the very antipodes of a great divine too solemn and too busy to enter into his children's minds. Many of his letters are illustrated with comic sketches—too slight and hasty for reproduction here, but proof of a charmingly playful spirit.

As his children grew up, this comradeship took the form of talking with singular reasonableness about the deeper interests and questions of life. He never preached at them. Even his rebuke, when it was called for, was probably the simple word, said as almost he alone could say it, ' Is it possible you would be unworthy ? ' But he led them to think of life and of religion just by simple and straightforward discussion of it when occasion arose. Here is a sentence deprecating an artificial religion :—

' Sometimes we try, in an artificial way, to put on what we

consider the right moods. But it comes to nothing. We cannot manufacture true religion. It grows and will grow as Christ becomes clear and precious to us—and even a little of it is a very real and living thing.'

Here is a word to one of his daughters on card-playing :—

'Card-playing, on the whole, is one of those things about which I think it is as good to be able to say that one does not know how to do it and does not care to learn. It saves trouble and drawing of lines that are sometimes hard to draw. It is a prudential rule, only. For example, if I was staying in a house with an invalid who had few relaxations—could not enjoy reading, for instance—and whose time hung heavily on his hands, I would learn to play that I might help him to an occasional hour's recreation of the kind he could enjoy.'

It is not the mere opinion here which is interesting, but the manner of expressing it. With no attempt to dogmatise or tyrannise (as the parents of the day just then passing away so severely did), he leads his daughter's mind to a reasonable and Christian view for itself. Another example of this appeal to the better reason, is in the following passage from a letter written to his daughters at a school abroad, the mistress of which had died and the work of which was being carried on, in these sad circumstances, by her family —

'In thinking over this, it is strongly impressed on my mind that you both will naturally have a new demand made on your good sense and good feeling. It is one we would have spared you, and yet it may be only good if you are helped to take it naturally and cheerfully. For example, it can hardly be, on any arrangement, but that the Miss C——s, or one of them, must take some management and assume some authority. Hitherto, I suppose, you have all associated very much as

girls on an equal footing. In the future you may have to watch your own spirits more. There may be cases in which things may be said and done which are perfectly necessary and right and yet at the moment they may not seem so to you or the other girls ; or they may seem to give you needless pain and to carry more of an air of authority than you feel it easy to accord to one who is so near your own age. Or, again, there may happen cases in which there really is a sharpness or a touch of imperiousness or a failure of judgment that would be better avoided and which therefore you may be tempted to make an occasion for being independent or troublesome on your side. These things beset us all. Now I am sure you are anxious to promote in every way the comfort of the family after this sore trial. And I am equally sure that, remembering how trying it would be for yourselves, to have cares and responsibilities thrown on you by a mother's death and to have to go on with them under all states of body and mind and temper, you must desire to make these duties as easy for the poor girls as you can. Remember, then, it was loving thoughtfulness that made things go on so well under Madame. Now that so much of that has vanished away with her, you must make a large contribution of it from your side. It is not mainly to appear in demonstrativeness. It must be in this way—that your conduct and your influence in the school shall be on the side of making the path smoother for the C——s. Pray think much of this, my dear girls. Believe me when I say that efforts of forbearance and self-suppression, which are often difficult at the time, are *never* regretted afterwards.'

Again, in this letter, it is not the mere exhortation which is important, though that shows a remarkable sympathy with a sad situation ; nor is it even the psychology which is interesting, though there is delicate insight into the mind of a girl. But, with these, is the way of putting it which must have affected, not only the following of certain actions, but a real growth in thoughtfulness and magnanimity and

Christian feeling in those to whom he was writing. This is characteristic of many of his letters to his family.

Passing from the circle of the family to more general social life, the biographer finds something of a blank. The reason of this is that Principal Rainy's time was so absorbed with his Church work and his family that he had no leisure for society. He was essentially the public man and also essentially the family man; but he never was, nor tried to be, nor (I imagine) cared to be, the society man. This biography therefore does not contain the small talk and social gossip which occupy—often interestingly if also trivially—the lives of some distinguished figures in Church or State. At the same time, it may be remarked that, when he chose, Principal Rainy could be first-rate company. He could talk with rare ability, point, and humour. He had not so much what is called wit—which, after all, is, as Aristotle says, on the surface—but he had that sense of humour which is often found in the most profoundly thoughtful men. No one more enjoyed a story with salt in it or that revealed human character. And he could tell a good story, though he was never the professional *raconteur*; as La Bruyère—a shrewd critic of character—says, and justly, the habit of always telling stories is one of the signs of mediocrity of mind. I shall give only one of Dr. Rainy's, which I think has never been published. It concerned two saintly fathers of the Disruption—the dignified Dr. Gordon of the High Church and the quaint Dr. Bruce of St. Andrew's Church. The two were conducting or had just conducted a joint

service, which had been peculiarly inspiring and uplifting. Dr. Gordon, who had a manner almost majestically grave, in hushed solemn tones whispered to the other, 'Is not this a foretaste of Paradise?' To which Dr. Bruce replied: ''Deed, I was jist nippin' mysel' tae mak' sure I wasna oot o' the body.' In the good old days, an Assembly dinner at the Principal's was sometimes a perfect flow of stories such as this. They were dogmatists in those times, but the best of them were thorough humanists too.

I have said that Dr. Rainy simply had not time, even if he had had inclination, for general society. The work he did was phenomenal. Besides his professorial work, he had an endless correspondence; and it must be remembered he had not the professional secretaries which a man in business or politics would have had, burdened as he was. When they grew up, his daughters gave him invaluable loving aid in this. But—a man of magnificent physical constitution—he was a tremendous worker, often not leaving his desk till four in the morning.[1] Yet the curious thing is that he always maintained that his besetting sin was indolence. No doubt he could have been splendidly indolent. One of his sons says that Dr. Rainy most obviously would have found it an easy thing, any morning after breakfast, to linger over the newspaper or take up some light reading, and that it was often with a visible effort of resolution he went off to the study. But then, he always went.

[1] One may add here that he was always an excellent sleeper. This may seem a trivial thing; but I doubt if any man who is not a good sleeper can go through the strain of a long public career with prosperity.

The remark that he did not cultivate much general society must not suggest that his interests were exclusively ecclesiastical. Nothing could be further from the fact. It was an astonishing thing to hear him talk of, say, farmers or fishermen or miners, as people whose occupations he thoroughly understood. I do not think it could be said he had particularly developed artistic — or at least musical — sympathies (though he was naturally interested in and proud of his eldest daughter's brilliant musical accomplishments); but, with that possible exception, his knowledge was a constant surprise. He read all kinds of books, and, like Dante, 'his eyes saw everything.' Wherever conversation went, even with experts, one felt he had been there. A special secular interest was military strategy. He once told how that had been born in his mind by watching the construction of a fort near where he was spending the holidays, one summer when a boy, and how he had read the subject ever since. An incident which took place during a visit to France illustrates his real knowledge of military subjects. After the battle of Sedan, almost as soon as the field was reopened to the public, he went off to visit it accompanied by Mrs. Rainy. As he was going over the battlefield, dressed (it must be mentioned) in a tweed knickerbocker suit, which doubtless set off to advantage his noticeably athletic figure, he fell in with three young Prussian officers to whom, to their surprise and pleasure, he detailed the whole battle, explaining the positions of the troops and their movements with the manner of one who was familiar with the theme. Next day the three officers, having been invited to

call on Mrs. Rainy at the hotel, came and found her alone—Dr. Rainy having gone out for a walk ; whereupon they said they were glad to find her alone, as they could more easily ask her a question which they had not ventured to ask her husband, namely, what military position did he hold in the British army ? It gave Mrs. Rainy, who had a delightful humour, infinite pleasure to tell them he was a Professor of Theology in the Scottish Church. They replied with astonishment that they could not have thought it possible that anyone without professional acquaintance with military affairs could have described the battle as he had done.[1]

The visit to the Continent mentioned in this incident was one of many which Dr. and Mrs. Rainy paid—some of them merely for pleasure, and others on account of her health, which was often far from good. Both had a great love of travel and a great enjoyment in nature. Of these journeys, I do not give details here. Perhaps the one which most interested himself was a visit to Rome. He was full of its sights and memories and declared once he should choose to live in Rome. He always cared for great and central things : here was the great theatre of the world's secular history, where had lived great Cæsars and great Popes—those men who, with all their faults, had borne not inadequately the tremendous task of governing a world. He went about Rome with unflagging energy, and was, at the same time, the delightful guide of a party chiefly of young people. One of them

[1] This story has been told in various forms, but the above is an authentic version of it as told by Mrs. Rainy in the Principal's presence.

—then a schoolgirl—still remembers how she was at first oppressed with 'the Scottish respect for all who mount pulpits' and with the thought of Dr. Rainy's wisdom and learning, but soon found 'it was chiefly from that part of the room where Dr. Rainy was sitting that a good story was most surely to be expected or a humorous sally, besides all the many things said of history and art.' I much regret that no letter from Dr. Rainy from Rome seems to be extant.

These *personalia* are few and inadequate; but the material at the biographer's disposal is scanty. Unfortunately no one ever boswellised Dr. Rainy.

It may be convenient to go on to say here that in the year after his moderatorship, Principal Rainy accepted an invitation to visit Australia. The occasion was the celebration of the Jubilee of the Presbyterian Church in Victoria, to which the home Churches were asked to send delegates. The Established Church of Scotland sent one of her most prominent Edinburgh preachers, the Rev. Dr. James MacGregor of St. Cuthbert's Church, while Principal Rainy was the delegate from the Free Church. The voyage, on which Mrs. Rainy accompanied her husband, was a most happy and successful one. Perhaps the following from one of his letters home is worth quoting as an illustration of Dr. Rainy's ecclesiastical courtesy :—

'There is a Colonial bishop aboard with whom I have got on very well. In fact, he was quite willing to have next Sunday's service non-liturgical, but I would not have that, as I thought the Church of England people should have their regular service on Easter Sunday. However, he has made me preach each service we have had, including Good Friday. There is a non-liturgical service on Sunday evenings at the

other end of the ship, conducted chiefly by a Baptist minister who is very clear and evangelical.'

In another letter he remarks :—

'The usual amusements go on, at which my wife and I are mainly onlookers. There is a good deal of scepticism aboard, but it does not, as yet at least, reach me at first hand. There are some good men, who are more in the smoking-room, from whom I hear. I see very clearly how useful it is to have some decided men who at the same time take an active part in the amusements. But there is generally good feeling and a friendly tone.'

On their arrival in Australia—after a record passage—the Principal and Mrs. Rainy were received by his cousin, the Hon. James Balfour, one of the members of the Legislative Council of Victoria. There was before him a busy time, but he thoroughly enjoyed it, and declared it was all well worth coming so many thousand miles to be present on so happy and great an occasion. The numerous meetings and receptions, the sessions of the General Assembly of the Church, which he addressed, as well as the sermons he preached, cannot be recounted here. I shall refer to only one of his appearances—his speech at the Central Jubilee Festival. The following passage is so characteristic both of the man and of much of his career—much still to be told as well as much that has already been traced—that room may be found for it :—

'This occasion suggests too strongly for me to allow myself to pass over it, this—what a blessing it is to the Churches when they are visited by large conceptions of what can be attempted and what can be done for the cause and kingdom of our Lord Jesus Christ. There is a poor "corner-sneaking" kind of feeling that sometimes visits us as if it was a kind of

deliverance to be able to escape the burden of having to meet great conceptions of duty and effort in the Church of Christ. But those are the things that send us through this short pilgrimage of ours to our graves with a happier, higher sense of what it is to live and follow Christ. What is it that makes the greatness and happiness of those who, in various times, were called to suffer persecution or endure great trials for the Lord and Master? It is this—that a great strength came upon them when a great question was asked, and perhaps, in much weakness and fear, yet by God's grace, they were enabled to render a faithful answer to it. Why—then the spirit of glory and of God rested upon them, and they became tenfold the men and women they would have been if those trials had not come. And how are we to attain anything worth attaining to in the Christian life and experience unless we try to learn to have our thoughts of what Christ deserves at our hands, and our thoughts of what a man or woman might do and bear for such a Master as Christ. "O Lord, I am Thy servant; truly I am Thy servant. Thou hast loosened my bonds." Now I will sit down by reminding you of what I could not remind you if we were thinking of our Presbyterianism in any desire to magnify ourselves. But we are thinking of ourselves as one of the sisters of the Evangelical Church, and we all desire to regard the other Churches as not behind us, but, if possible, before us. The great blessedness of the Church is this, that Christ lives. People talk of difficulties, infidelity, temptations, and vice, and all the rest of it. The name of Dr. Mackay was mentioned.[1] He was sometimes liable to be depressed in spirits, and to groan under the burdens of the public cause. I remember crossing a loch in a boat. Dr. Mackay had come over to us, and we were crossing back, and I remember my dear old father saying to Dr. Mackay, who seemed much depressed in spirits, "Christ liveth." Well, Christ lives, and because He lives we will be thankful for the past, and we will not consent that our Christianity and our services shall be confined to the past. We Presbyterians are traditional people. We look a great deal to the past. We are very much

[1] This is the Rev. Dr. Mackintosh Mackay, a distinguished Free Church minister of the time of the Disruption (and Convener of the Highland Committee), who had also laboured in Victoria.

accustomed to call strong names out of the storied past to inspire the present, and that 's all very well, but why should we not think that better and greater times for Christ's Church are coming yet than any times she has yet seen ? Why should not we be the men and women whose prayers and devotedness, whose thoughts and desires, should have something to do with bringing that about ? Why not ? For Christ lives and all things are possible to him that believes.'

This is but a single sample from one of Principal Rainy's many speeches in Australia. He was, of course, much fêted, and his visit was quite a public event. But Dr. Rainy never desired to play the rôle of the celebrity. After he came home, he told with evident satisfaction how a reporter had come to interview him and afterwards had remarked, ' Not much in that man.'

This was Principal Rainy's first visit to Australia, with which, however, he had close family ties, and these were deepened when, in 1891, his second daughter, Barbara, was married to the Rev. Professor Andrew Harper. D.D., of Ormonde College, Melbourne. Previous to this, it should be mentioned here, his eldest son, Adam Rolland, was in 1887 married to Annabella, second daughter of H. M. Matheson, of 3 Lombard Street, E.C., and Deputy-Lieutenant of Ross-shire.

I shall close this chapter, which has necessarily been of a somewhat disjointed character, by referring to a special matter which arose in the year after Dr. Rainy returned from his Australian tour. In 1890 a very serious railway strike broke out in Scotland. For long there had been unrest among the employees of the Scottish companies, whose hours of labour compared

very unfavourably with those worked on the English systems. On especially the North British Railway, says a competent and impartial authority, 'some of the men were kept on duty for periods altogether beyond human endurance.'[1] Meetings of the workers held frequently during the summer culminated in a demand to the directors for a ten-hours' day, payment of overtime at the rate of time and a-quarter, and other concessions. The men asked that these proposals should be submitted to arbitration. The directors declined to deal with them otherwise than in what the managers called 'the usual way'—that is, by each grade of workers sending its representative to meet the Board. The men, whose fear of dismissal was (as any reader of the newspaper reports of their meetings can see) very deep and widespread, still asked arbitration and the directors refused. The Executive of the Scottish Railway Servants' Association recommended a strike and instructed the men to send in their notices for transmission to the companies' managers. The Edinburgh and Glasgow men were eager, but the country men responded more slowly. By 7th December, 4173 men had handed in their notices out of some 9000 on the Society's roll. The Executive declared this was not enough. The town men's patience was exhausted, and at a meeting in Glasgow on 21st December, 'a man in the gallery' moved an immediate strike and this was carried by 660 votes to 81. The decision was telegraphed all over the country, and next day 3000 men were out, the day after 4000, and by Christmas

[1] *The Scottish Railway Strike of* 1891, by James Mavor, M.A., professor of Political Economy in St. Mungo's College, Glasgow.

day nearly 9000. The result was chaos. The railway systems of Scotland were paralysed. As days went on, engines rusted, depôts remained blocked with goods; some lines were wholly closed. Trade was seriously affected, and workmen depending on getting to their work by train were thrown out of employment in thousands. The public mind was divided: it was widely admitted that the men's grievances were real and had been neglected by the directors too long; still the sudden act of the strike was a clear breach of contract and that alienated the sympathy of a certain class. The fight became keen. The men picketed, and were accused of trying to wreck trains: the companies evicted the strikers' families—it required both police and hussars to do this near Glasgow, for a crowd of 30,000 people gathered—and sued the Railway Servants' Society for £20,000 for breach of contract.

It has been necessary to state these facts, to understand Principal Rainy's appearance in the matter. A representative of the men called on the Principal and asked him to preside at a public meeting in Edinburgh. After some inquiry he consented to do so. He made a bold speech. He said he did not undertake to defend every action of the men or the stoppage of work without notice; still 'it was not the right way to deal with a complex question to fasten on one point.' 'A wise man would look into the heart of this question.' And he held the main question was whether the men had grievances. Then he discussed their hours of labour and denounced twelve or fifteen hours as indefensible. He appealed to shareholders to think 'not only of cheapness, and speed and returns,'

but ' of the men who worked.' It was, as I say, a bold speech, and—as one who took part in the struggle says—' focussed the situation and lifted the movement to a position it would never have otherwise attained.' Meanwhile the struggle was being carried on into weeks with great determination on both sides. Mr. John Burns—now a Right Honourable, but in those days described as ' socialist, engineer, agitator and county councillor '—came down and worked night and day. The *Times* and other London papers realised the strike was not collapsing, and efforts for mediation were attempted. Mr. Haldane made such an attempt—with a degree of success—and so did the Lord Provost of Edinburgh. Various town councils and public bodies appealed to the directors to agree to arbitration, but the companies—the master mind in whose councils was Mr. John Walker, the manager of the North British Railway, and one of the ablest railway administrators of his time—refused. Another great citizens' meeting was held in Edinburgh on 17th January, at which Principal Rainy again spoke to an audience of nearly ten thousand persons. He moved a motion approving of a ten-hours' day, and advising that all other questions should be submitted to arbitration. He made a strong speech about hours of labour —remarking at one point that working men must have time at home ' to tell their wives they were still their sweethearts '—and emphatically laying ' the first blame ' on the directors who had let things go so far. This meeting requested the Earl of Aberdeen, the Lord Provost of Edinburgh, and Principal Rainy to confer with both sides. The Lord Provost declined

to act. After a while the men placed themselves in Lord Aberdeen's hands in the matter, and eventually a reconciliation was proposed—the men returning to work and the directors withdrawing the action for breach of contract and definitely promising to consider the alleged grievances within a specified time. Lord Aberdeen and Principal Rainy counselled the acceptance of this proposal, and the men, not without reluctance on the part of some, agreed. The conflict thus ended, having lasted five weeks. Principal Rainy's part in it raised considerable discussion. It will be blamed by those who are unable to get past the point of a minister of religion standing by men who had broken their contracts. Others will agree that it was imperative to get to the facts of the grievances and wrongs inflicted on the workers. In either view, Dr. Rainy's action shows his boldness and also his real sympathy with labour—a sympathy which was far deeper in his heart than the opportunities of his too crowded ecclesiastical career gave opportunity of expression.

It was convenient to refer to this somewhat exceptional incident in Dr. Rainy's life in this chapter rather than in the next, which will deal with a very different class of topics, but we have gone a little too far ahead chronologically and must now return to the narrative of events within the Church from the time of the Principal's Australian visit.

CHAPTER XIX

THEOLOGIES AND CREEDS

THE Assembly of 1889, from which Principal Rainy was absent (being in Australia), did two somewhat important things from which flowed grave consequences with which he had to deal on his return.

One was a professorial election. Dr. George Smeaton, professor of New Testament Criticism in the New College, had died. On the vacancy being announced, Henry Drummond, whose name needs surely no introduction to the reader, remarked in his most oracular manner to his friend and minister, Dr. Marcus Dods, of Renfield Church in Glasgow, 'Your predecessor is dead.' This was not remarkable, but it is remarkable that Principal Rainy at least would have liked to see it come true, though he doubted its possibility. Dr. Adam—an able man but not the man for an emergency, being far too much inclined to think that wisdom consists in playing for safety—telegraphed to the Principal about the vacancy, and Dr. Rainy replied :—

'Perhaps I had better refrain from suggestion. The man in our Church who would give an impulse to Biblical studies and who would come among the students with unequalled authority would be Dods. And though he has uttered things that are disturbing, I doubt whether any man could with more power protect in the minds of students the essential

positions against a tendency to indefinite relaxation. But, for many reasons, that might well turn out an impossible proposal; nor could I myself contemplate it without some sense of risk. If that is out of the question, I do not see any man whose claims equal Salmond's.'

The suggested 'impossibility' of Dr. Dods lay simply in the fact that he was one of the most outspoken representatives of critical liberalism who had frankly disavowed the idea of the inerrancy of Scripture and advocated the broader view of inspiration. His name was pressed by his friends. The election evoked great public attention. To the delight of many and the surprise of all, the result was the triumphant appointment of Dr. Dods, who at the first vote had an absolute majority of more than a hundred over both the other nominees combined. He was proposed in a speech of exceptional effectiveness by Dr. Walter Ross Taylor—a Glasgow minister whose name has been already mentioned and who was now coming to a prominent place among the leaders of the Church. Unquestionably it was a very significant election. For, in appointing Dr. Dods the Church knew what she was doing. He had never made any secret about his views or stated them with any ambiguity. The election did not mean that the Church had adopted these views, but it did mean that she tolerated them and that even in a teacher of her students. This was a notable advance in a Church the majority of which, less than a decade before, had declared that William Robertson Smith must no longer be a professor. A reading of the contemporary press on the election shows that the appointment was clearly viewed in this light. Dr.

Dods's first appearance as a professor attracted so great an audience that an adjournment had to be made from the College to the Assembly Hall, and he thus read his lecture from the very Moderator's desk from which Robertson Smith had been admonished. Thus does time bring in its revenges. But time, even when it can revenge, cannot restore; and the protagonist of critical liberty was now settled in Cambridge and lost for ever to the Church of his birth and his first devotion.

When Principal Rainy returned from Australia, he found that another heresy case was fomenting. A considerable section in the Church never really acquiesced in Dr. Dods's appointment to a chair and on the first opportunity an agitation against him arose. Public meetings to protest against his views were held in Inverness and elsewhere, and Highland Presbyteries overtured the Assembly on the subject. Another professor of not less eminence—Dr. A. B. Bruce of Glasgow College—was attacked at the same time. The heather was set on fire afresh, and by the time that the Assembly of 1890 approached, the 'Highland host' was in full cry and the alarm of unsound teaching in the Colleges was spread throughout the Church. Professor Dods's first session was spent in an atmosphere of such suspicion and amid so much misrepresentation and attack that (as I well remember, having been one of his students that year) he told his class one day that, but for their sympathetic co-operation, he could hardly have gone on.

The 'Dods-Bruce Case' does not need to be described in these pages with the care and detail which were

necessary in the case of Robertson Smith. The Assembly by distinct majorities refused to initiate any process against these professors or even to appoint a committee to inquire further into the matter; but, after declaring the Church's adherence to various cardinal articles of faith, exhorted Dr. Dods and all others concerned to avoid lines of argument and modes of expression which 'wound those that tremble at the Divine Word.' I hardly think that many persons would now describe this deliverance as altogether just. If Dr. Dods or Dr. Bruce needed exhortation, not less did many of their accusers who spread the wildest misrepresentations of their views throughout the Church and did their utmost to stir up, in places peculiarly open to exaggerated and erroneous impressions, distrust of the Church's accredited and best professors. But the essential thing was that a process against either Dr. Dods or Dr. Bruce was refused, and thus the Church affirmed the permissibility of a view which did not claim for the Bible that verbal inerrancy which had hitherto been almost universally bound up with the doctrine of Inspiration.

Principal Rainy supported the motion above indicated—it was moved by Dr. Adam—but it cannot be said that his speeches either in Dr. Dods's case or Dr. Bruce's were among his greater efforts. He was clear as to the line to be taken, and said 'that the first clause of the motion, which declared that they found no ground for process, was most important and fundamental,' adding he 'would vote for no motion from which this was absent.' But the general question of the existence in the Biblical record of discrepancies

in non-essential details seemed to evoke little interest in his mind. Around him men of the older orthodox school were thundering that the admission of this destroyed a very basis of faith. Dr. Rainy said 'he regarded all these questions about minor difficulties as in a large degree despicable questions, and he refused to concern himself very much as to how they were to be solved.' Personally he held, or was inclined 'to hold,' though he did it 'under difficulties,' and 'he did not feel the difficulties in holding it decreasing,' that they might find, after all, that God had preserved the Scriptures, even in minor matters, from real error. But he refused out and out to identify that view with inspiration itself, and to cast out any man who took another view. He put this thus :—

'Suppose a student were to say to him : "I take the Word of God as my rule of faith and life. I hear the voice of God everywhere in it. I find it assuring me on this point and on that what my Father will have me to be and to do. But, on the whole, looking to what the Scripture seems to me to claim for itself and looking to all the facts, I think it is fairer and truer to say that these human incidents of inaccuracy in smaller things that are characteristic just of human history have not in all cases been averted more than other human incidents or conditions of human writings"—if they asked him to say to that student, "You are not in a condition to sign the Confession of Faith as a minister of the Free Church," he would not do it. . . . He thought God was calling them to go into council on this matter, and was not calling them to turn one another out of doors in connection with it.'

The one question in this matter which did seem to him worthy of serious answer was when men asked where we are to stop if inerrancies are once admitted ? On

this question—the question where the line is to be drawn—Principal Rainy said this :—

'God's way was not always to give them mathematical lines. God had not given them clear mathematical lines about the canon, and yet they found they had surmounted that, and there was no real difficulty about the canon. God had not given them mathematical lines about the text, and that was a great matter of difficulty once, but they had surmounted it and there was no real difficulty about the text. God had not given them a mathematical line about interpretation, and yet honest students of Scripture were agreed about interpretation —he meant in the main and essential matters.'

And in the same way, Dr. Rainy indicated, it might and would be that, even if God had not given mathematical lines in the details of the narrative, still 'the Bible would prove itself a sufficient guide to honest inquirers.' This was large and wise speaking. Its largeness and wisdom especially from an orthodox leader are the more notable when we remember how at this time Mr. Spurgeon was bewailing the 'down-grade' of theology and Canon Liddon was '*miserable*'[1] over Dr. Gore's critical essay in *Lux Mundi*.

In her decision in this case the orthodox and evangelical Free Church of Scotland was taking a notable step in theological progress. She was not so much changing as sifting the doctrine of inspiration. It is true that the standards of the Free Church did not impose a doctrine of verbal inerrancy. The Confession of Faith, indeed, carefully avoids committing itself to any theory of the mode or degree of inspiration. But, unquestionably, the prevalent and, till the days of Robertson Smith, one might almost say the universal

[1] *Life and Letters of H. P. Liddon*, p. 367.

view of that subject in the Scottish Church—and indeed in all Churches except those openly rationalistic —was that called plenary inspiration. Now this was ceasing to be even the prevailing view in the Free Church of Scotland. A prominent doctor and professor expressly disclaimed it, and not only was he not prosecuted but he was retained as a teacher of the Church's ministry. A scholar of the younger generation frankly declared in the Assembly itself that 'for verbal inerrancy he cared not one straw, for it would be worth nothing if it were there and it was not,'[1] and the Assembly only applauded. All this meant a marked change not, I repeat, in the confessional doctrine, but in the actual mind of the Church on the subject. As A. B. Davidson put it in his wicked way, 'Criticism has now percolated down to the lowest strata of thinking minds: even the bishops have heard of it.'[2] Now the most interesting thing about this change, so far at least as the Free Church was concerned, was that it was associated with some of the most powerfully religious men in the Church and was a positive far more than a negative movement. It was not a mere denial of an old view. It was that the old view dropped off in the assertion that Scripture is infallible in its revelation of the salvation of God in Christ. Inspiration is the characteristic not of the text but of the *message* of the Bible; and it was men in

[1] The Rev. James Denney, now Professor Denney of Glasgow.

[2] One quotes this with an apology, to a bench which now includes such a critical student as Dr. Gore of Birmingham, who, however, was not a bishop at this date; but it is an example of the naughty enjoyment which the pure scholar so often has in tilting at dignities when they appear within the territory of learning.

the Church who were second to none in earnestness about that message who found they 'cared not one straw for verbal inerrancy.'[1] It was under influences such as these that the Free Church, gradually and yet with astonishing rapidity, recognised a new view of what the inspiration of the Bible means. The change was not a rationalistic change. It was the reverse of that. And to many, instead of dethroning the Bible, it stamped it more and more with the seal of God as the authority for its saving message.

At the same time, a change of view such as I have indicated had many elements of anxiety and difficulty, and no one felt this more than did Principal Rainy. An interesting glimpse of his mind about it is supplied me by Professor D. S. Cairns of Aberdeen (a nephew of Principal Cairns), who in 1892 shared in a conversation when Dr. Rainy was present at Principal Cairns's house. The subject of criticism came up, and Dr. Rainy declared he was holding his mind open. It was urged that to hold one's mind open on the subject was to hold it open on the infallibility of Scripture as that had been understood, and the question was put as to whether the general system of doctrine which had been built upon that theory of Scripture as a basis could be maintained on another. Dr. Rainy said undoubtedly the effect of the removing of the old basis would produce a species of 'land-slide' in many minds regarding characteristic evangelical doctrines, but he believed they would re-emerge. Professor Cairns's further note may be quoted *verbatim* :—

[1] It is right to add that a not less earnest 'evangelistic' section in the Church were the strongest in resisting this new view.

'In the earlier part of our talk, I remember Dr. Rainy sat speaking easily, in an ample, relaxed (forgive the adjective, but I suppose you remember the kind of thing I mean) fashion like a genial Olympian; but as the conversation went on, the features seemed to knit together. As he rose to go he turned to me and said, "Perhaps the real meaning of all this unrest, is that the Lord wanted to drive us back upon Himself. That has happened before. And, you know, God never meant it to be an easy thing to believe."'

There was another aspect of the anxiety of this matter regarding the Bible to which Dr. Rainy was peculiarly sensitive. He had the keenest sense of the shock which the new view occasioned in many simple believing minds to whom the plenary inspiration of every word of Scripture had been an unquestioned assumption. And he had further an even stern feeling that those were blameworthy who by any regardlessness of utterance unnecessarily wounded the faith of such. It may be admitted that both Professor Dods and Professor Bruce were men who made what the ecclesiastical mind calls 'unguarded statements.' Dr. Dods—one of the most absolutely truthful men who ever breathed, and a man incapable of choosing a word for any other reason than that it seemed the true one—spoke about the 'errors' and 'immoralities' in the Scripture narrative. Dr. Bruce, who had a Carlylean strain in his rugged nature,[1] showed at times a *brusquerie* in dealing even with the most sacred themes which was not, but which was easily taken to be, irreverence and which jarred even on those who did not misunderstand

[1] Bruce, as a young man, was greatly influenced by Carlyle, from whom he learned, as he once said, 'to read the Gospels as a polemic against pharisaism.' The value and also the inadequacy of this appear in parts of Bruce's writings.

it. Principal Rainy, along with all his tolerance on the general question, was extraordinarily sensitive to the hurting of tender consciences. I remember his once saying to me of some utterances of one of the professors just named, 'He does not realise the *sheer pain* words like these cause to many of our most believing people'; and, as he said it, there crossed his own face a look of 'sheer pain' such as assuredly he would never have shown for any suffering inflicted on himself. Here surely is real breadth. So many men who pride themselves on their theological liberality are but one-sided in their sympathy. Here was a man who, on the one hand, resolutely supported the scholar's liberty to criticise with the frankest freedom the structure of the sacred narrative, but who, on the other, really saw and shared the pain such criticism caused in the mind of some simple and perhaps ignorant pious woman who, like Cowper's lace-worker, 'just knows, and knows no more, her Bible true.'

The decision of the General Assembly not to take action against Professor Dods and Professor Bruce by no means ended the unhappy unrest in the Church. On the contrary, the agitation against unsound doctrine in the Colleges was carried on with great determination and in some quarters with the most reckless inaccuracy. One or two who posed as leaders of the Highlands busied themselves unremittingly in this crusade, and some most unedifying and painful scenes took place in the Assembly over their methods and misrepresentations. Dr. Begg's death had deprived the party to the left of the Moderator's chair of their one leader; thereafter, half-a-dozen were leaders, and naturally

the most pugnacious became the most prominent. The result was that men quite inadequate to the rôle took it upon themselves to speak for the Highlands. They did not truly represent either its best religion or its more intelligent mind, but they could do no little mischief, and their agitation inoculated deeper than before the poison of suspicion in the north. The Highland problem indeed was, though more limited, acuter than ever. Moreover, it now became augmented by a movement in the south on the subject of Creed revision—a movement which was destined to have much significance for the future history of the Free Church of Scotland. To this we now turn.

It will have been abundantly apparent from many things that have been narrated in the foregoing pages that a great change had been passing over the theological atmosphere of Scotland. This had not meant—certainly, within the Free Church, it had not meant—a departure from the verities of Catholic faith or even from the main positions of the Calvinistic system of doctrine. But, unquestionably, it did mean a state of mind largely out of touch with that system as formulated in the Westminster Confession of Faith—a document which presents Calvinism in what may not unfairly be called a somewhat unevangelical form. The Confession of Faith is dominated—as, it is often forgotten, Calvin's writings are not dominated—by a hard doctrine of predestination stated in a way which does not deny but assuredly does not magnify the love of God to all men and the loving offer of His gospel to the world.[1] It was inevitable that this—not to speak

[1] Calvin, in his *Institutio*, does not introduce Predestination till the close

of specific statements in the Confession which are hard to accept—should be growingly felt foreign, and even alien, by, not the rationalistic but, on the contrary, the evangelical and missionary sentiment of the Church. The credit of being the first to deal with this question in Scotland rests with the United Presbyterian Church, which as early as 1879 adopted a Declaratory Act asserting with more clearness than the Confession does great evangelical positions. In the Established Assembly, the matter was frequently discussed and Broad Churchmen like Principal Cunningham of St. Andrews and Professor (later Principal) Story of Glasgow made strong speeches; but the fetter of State connection unhappily did not give that Church room to do anything in the way of change, and there was no relief except to persuade the mind into the comfortable but (in view of the terms of subscription) the quite indefensible view that it is accepted merely as an 'historical document.' The Free Church was slow to move in the matter, and was indeed taunted for her caution in not taking a step which no outsider questioned she might take. I find the *Scotsman* assuring her that 'it is one of the advantages of a Free Church that it has absolute power over its own creed,' and that 'while the Established Church must confess they are bound by

of his third book, where it comes as a corollary from the discussion of the experience of the work of God in regeneration and sanctification, and there has profound religious truth. In this, his method is superior to, for example, that of Aquinas. It also leaves him able to assert the freest evangel, as he does in his comment on St. John iii. 16, where he says 'The Heavenly Father loves the human race and wishes that they should not perish.' It was the later Calvinistic schoolmen—such as Beza—who distorted this.

the fetters of the law, the Free Church is not so bound.'[1] The chief restraining influence, discouraging the Free Church from entering on this matter, was—as a letter I am about to quote will show—Principal Rainy himself. The man who formally raised it was Professor Candlish—by this time unquestionably the best systematic theologian in Scotland, though his modesty concealed his great acquirements—who in 1887 brought it up in the Presbytery of Glasgow. On this a Highland Presbytery took fright and sent up an overture to the Assembly calling attention to Professor Candlish's action and utterances as 'truly alarming.' This gave an influential and liberal-minded Edinburgh preacher —Dr. Walter Smith—the chance of making a bold speech in the Assembly, claiming that 'they could not change the Word of God which was from above, but the Confession was from beneath and what the Church had created it could alter too.' This was greeted with applause and with cries of 'No' and 'Shocking!' It was the year of Principal Rainy's moderatorship, and as he listened he must have felt that here was an issue round which a keen fight would arise.

It is perhaps not to be wondered at that, as leader of the Free Church, he was not disposed to expedite the raising of this question. That he was not is apparent from the following letter written to Dr. Adam, of date November 1888 :—

'I presume you are likely to have the question of the Confession stirred again in your Presbytery. I should like to know what you are disposed to do at this stage—whether to

[1] *Scotsman*, 2nd June 1888. These statements are interesting in view of the subsequent great law case and the House of Lords decision thereon.

think of acceding to a Committee or still to stave it off. If it is brought up in our Presbytery it will be, I imagine, necessary for me to say my say with some frankness on the general question. And I should have some difficulty in actively resisting a motion for consideration, though I could conceive myself declining to support the movement unless I saw it to be strongly called for in the Church. The difficulties which may beset the handling of the question, if we agree to take it up, are of course most formidable. A committee, no doubt, might go on for a long time without coming to a final report, which would be one way of gaining time. But I have the impression that a very long delay might entail a more extensive change in the end, and that people might be contented with a comparatively moderate modification if it came soon.'

A letter such as this, with its want of conviction and its cautious waiting on events, will easily compare unfavourably in the reader's mind with the frank action taken years before by the United Presbyterian Church or the strong speeches made by Dr. Story and others in the Established Church. Yet, I repeat, Principal Rainy's obvious inclination to postpone rather than press on this matter is most intelligible. His position was entirely different from that of leaders in either of the other Churches. The United Presbyterian Church had no irreconcilable section, and could act with a hope of unanimity which was impossible in the Free Church. The Established Church could take no action, and it is not difficult to speak boldly when only speaking is involved. If Principal Rainy took up the question it meant action, and, in the Free Church, action on this subject meant division. And the Free Church was divided enough. She sorely needed rest. This is not an answer to a demand which, to many minds and consciences, had

become a real moral duty for the Church to face; but it suffices to show why in this matter Principal Rainy had to be pushed rather than took the lead. The question, however, was formally undertaken by the Assembly of 1889, and a committee appointed of which Principal Rainy and Dr. Adam were joint-conveners. The latter died little more than a year after, and on Dr. Rainy fell the task of piloting the matter to an issue, which he did with quite exceptional ability.

Three courses were open. The Church might discard the Confession and take or make a new one. Or she might alter the formula—that is, the terms of subscription to it. Or, thirdly, she might (as the Scottish Church had done in 1647 when the Westminster Confession was first adopted) pass a Declaratory Act regarding any particular parts of it or regarding her view of it as a whole. The first of these methods is obviously the thorough one, but the Church was not prepared to take so great a step, nor were the times favourable for the framing of a new Confession. Moreover, I think Dr. Rainy had always the feeling that this should be done not by an individual Church but with a consensus of Evangelical Churches. The second method is the least satisfactory of all: the devising of a new formula has no really religious or educative value and easily becomes little more than a plan by which men may subscribe something and yet not believe it. It also was put aside. The third course was the one adopted, as it had been in the United Presbyterian Church and also—in 1846—in the Free Church herself.

The preparation of the Declaratory Act was undertaken with great care. Office-bearers throughout the Church were invited to indicate topics with which it might deal. Learned investigation was made into the confessional statements of other Churches—non-Presbyterian as well as Presbyterian. The proceedings of the Committee were remarkably harmonious and, at the Assembly of 1891, Principal Rainy was able to bring up the following as the Act proposed to be adopted. Both on account of its real excellence of statement and because it was destined to play an important part in the subsequent historical issues, it should be quoted at length. It runs as follows :—

'Whereas it is expedient to remove difficulties and scruples which have been felt by some in reference to the declaration of belief required from persons who receive licence or are admitted to office in this Church, the General Assembly, with consent of Presbyteries, declare as follows :—

'That, in holding and teaching, according to the Confession, the divine purpose of grace towards those who are saved, and the execution of that purpose in time, this Church most earnestly proclaims, as standing in the forefront of the revelation of Grace, the love of God—Father, Son, and Holy Spirit—to sinners of mankind, manifested especially in the Father's gift of the Son to be the Saviour of the world, in the coming of the Son to offer Himself a propitiation for sin, and in the striving of the Holy Spirit with men to bring them to repentance.

'That this Church also holds that all who hear the Gospel are warranted and required to believe to the saving of their souls; and that in the case of such as do not believe, but perish in their sins, the issue is due to their own rejection of the Gospel call. That this Church does not teach, and does not regard the Confession as teaching, the fore-ordination of men to death irrespective of their own sin.

'That it is the duty of those who believe, and one end of their calling by God, to make known the Gospel to all men

everywhere for the obedience of faith. And that while the Gospel is the ordinary means of salvation for those to whom it is made known, yet it does not follow, nor is the Confession to be held as teaching, that any who die in infancy are lost, or that God may not extend His mercy, for Christ's sake, and by His Holy Spirit, to those who are beyond the reach of these means, as it may seem good to Him, according to the riches of His grace.

'That, in holding and teaching, according to the Confession of Faith, the corruption of man's whole nature as fallen, this Church also maintains that there remain tokens of his greatness as created in the image of God; that he possesses a knowledge of God and of duty; that he is responsible for compliance with the moral law and with the Gospel; and that, although unable without the aid of the Holy Spirit to return to God, he is yet capable of affections and actions which in themselves are virtuous and praiseworthy.

'That this Church disclaims intolerant or persecuting principles, and does not consider her office-bearers, in subscribing the Confession, committed to any principles inconsistent with liberty of conscience and the right of private judgment.

'That while diversity of opinion is recognised in this Church on such points in the Confession as do not enter into the substance of the Reformed Faith therein set forth, the Church retains full authority to determine, in any case which may arise, what points fall within this description, and thus to guard against any abuse of this liberty to the detriment of sound doctrine, or to the injury of her unity and peace.'

In moving that this Act be adopted and sent down to Presbyteries for consent—a form of procedure to be explained presently, Principal Rainy made a long and a great theological speech. I have already said that the question raised in the Dods case about inerrancies in Scripture did not seem deeply to interest him. But the question of a Church adjusting herself to her historic theology in the light of the intellectual and religious developments of the day did interest him.

He had not welcomed the raising of it, but when it was raised, it engaged his mind with genuine attention. His speech I can only glance at here. He began by briefly saying, as to the right and duty of Creed revision, that they must not allow Confessions 'to become bonds of slavery' or 'to occupy the place that belonged to the Word of God alone.' Then, after explaining why the method of a Declaratory Act was the one adopted, he commented on the various theological matters in the proposed Act. Speaking, for example, of the mystery of predestination and freedom, he confessed he could not explain it and 'did not know if it would be good for him if he could,' and he added this :—

'It seemed to him that one of the great mistakes of some of their German friends in their theology was that they seemed to imagine they could construe God. They could not construe God. They could only look up to Him and receive His revelation.'

Passing to the paragraph which refers to human depravity—a doctrine very strongly stated in the Confession of Faith—he said 'their theology would be very greatly damaged if it were not associated with a full recognition of facts,' and that in the circumstances of the seventeenth century, when the Westminster Confession was framed, there was, for various historical reasons, a 'sparingness and timidity' in recognising 'elements in human nature which reminded them of its original greatness.' He went on to give two of the historical examples with which he so often illustrated a discussion :—

'He did not know any thought that went through the

Pensées of Pascal [1] more than this—you understand Christianity only if you realise together the greatness and the meanness of man, that it is his grandeur and his fall together that bring out to you what Christianity really means and what it proceeds upon. He would mention to them another name —that of Thomas Chalmers. It was the great element in Chalmers's preaching that, in contrast with a certain sparingness and theological timidity on that subject, he filled many of his sermons with a singularly full recognition of what might be regarded as honourable and virtuous and praiseworthy about " men of the world," as he said, and made that the basis upon which he carried with the extraordinary rush of his eloquence an irresistible indictment against those same men with reference to their Saviour, with reference to what they owed to God and what they owed to the higher interests of their own souls and the interest of the souls of others—pointing out that a man might be the very soul of honour as a man among men in reference to the ordinary interests of time, and yet wonderfully mean and base in his behaviour towards God and in his attitude towards the higher interests of his own soul and the interests of the souls of others.'

These are but passages of a speech of great interest and weight.

The discussion was largely occupied with the opposition of the extreme left in the Assembly. They began, as in the old anti-union debates Dr. Begg had done, by reading a protest. Violent speeches were made against the Act in the name of the Highlands. Principal Rainy, in his reply, declined to take these self-constituted leaders as representative of the Highlands. Of one—who had been particularly conspicuous in agitating against the Church's professors—the Principal quietly said :—

[1] I may mention here that Pascal was a favourite author of Dr. Rainy's. His lecture on him in the Church History class was one of the most interesting in all his course.

'Mr. —— spoke as the representative of the north of the Grampians. He (Dr. Rainy) did not take him in that character at all. When he thought of the Highlands he thought of something vague, grand, mysterious, multitudinous; when he thought of Mr. ——, he thought merely of a very worthy brother minister with an active mind and who, as he (Dr. Rainy) thought, indulged an unreasonably suspicious temper.'

The motion to adopt the Act and send it down to Presbyteries was carried by the large majority of 428 to 66. A number in the minority strongly dissented.

The Act, however, was not yet passed into law. One of the wisest provisions of the Presbyterian government of the Church of Scotland is what is called the Barrier Act. This Act—which dates from the seventeenth century—provides that any measure affecting the constitution or creed of the Church must, before becoming law, first be approved by one Assembly, then be sent down to Synods and Presbyteries and concurred in by a majority of these, and, when this concurrence has been obtained, approved finally by another Assembly.[1] This valuable constitutional safeguard practically takes away the peril which might accrue from the single-chambered government of the Assembly. Under this operation the Declaratory Act was 'sent down' and was approved by a large majority of the subordinate courts. At the Assembly of 1892 it was finally adopted. Principal Rainy made another massive speech, and there was again vehement opposition from the minority.

[1] Politicians may find it profitable to reflect that, if our parliamentary constitution were modelled on a Presbyterian system of government, the two outstanding problems of devolution and a revising chamber would be safely solved.

In consequence of the adoption of this measure, two ministers seceded from the Free Church, taking with them a few office-bearers and a considerable body of people.[1] They expected a far larger ministerial following, and had a right to do so. One has more respect for these two ministers and their associates than for those who had used the most violent language, and had led their people to the brink of secession and then, at the last moment, themselves drew back. It is incredible to what lengths of denunciation of the Church and of the Declaratory Act some of these agitators had gone. In pamphlets and leaflets and in speeches innumerable, the Church was represented as having given up both the Confession and the Bible and as countenancing the wildest and even the vilest heresies. In particular, Principal Rainy—'Black Rainy'—was denounced as a traitor to the truth, and as the man most responsible for the 'apostasy' of the Church. I forbear from quoting examples of the violent and virulent denunciatory language used by men—sometimes even amid the sacredness of a communion season—because it is too pitiable to merit anything but oblivion. But certainly it was language which incited an impressionable and uninformed people to shake the dust of the Free Church off their feet if this 'vile Act' were passed. Those who did thus cast off her dust are entitled to more consideration than those who pointed out the way but did not themselves take it. The seceders were by no means the worst disposed of the alienated section of the Church.

[1] The total loss to the Free Church (members and adherents) was stated to be four thousand.

Those who really shared their views but remained in the Free Church continued hardly of it. They were treated by Principal Rainy and the Assembly with entire fairness, but it was not easy to show conciliation towards some of them. When it came to men intimating that they would not ordain those who availed themselves of the Declaratory Act—that is, who viewed the Confession as the Church had constitutionally resolved to view it—then Principal Rainy justly said that 'our sole anxiety on this side is to see that our friends do not oppress other people.' And when it was denied that the Church could pass any such Act at all, he cast compromise away, for this, he said, is 'raising a life question in the Church' and 'a fundamental right of Christian Churches.' He meant, of course, the right of a living Church to articulate her living faith in obedience only to the living Spirit of her Head as He might instruct her. 'Our right to do it,' said the Principal, 'is denied: we are asked at the bidding of our friends to forgo that right.' He paused a moment and then said, in significant tones, 'I hope we shall remember the admonition, "Ye are bought with a price, be ye not the servants of men."' A word like that always stirred the Assembly: it was the old plea of the historic Church of Scotland. How Dr. Rainy and the Church did remember it, not merely on that occasion, but at the far more testing time when they were asked to surrender it at the bidding of the highest court of law and with the loss of all their property threatening them, is part of the story that still lies before us.

The Dods-Bruce case and the Declaratory Act

clearly indicate Principal Rainy's relation to the movements of liberal religious thought of the time within the Church in so far as he considered that to be legitimate and consistent with Apostolic faith. A year or two later he made a notable appearance in defence of the faith against what seemed to him rationalistic liberalism. There exists in each of the four Universities of Scotland an endowment called the Gifford foundation, the deed of which establishes a lectureship to discuss Theism on grounds of Natural Religion, excluding arguments from Supernatural Revelation. The lectureship can hardly be described as having proved a brilliant success and, while it has been held by several distinguished men, the number of volumes—the lectures are subsequently published—of any permanent interest is notably few. The prospect to the end of time of four men perambulating round this limited area is somewhat fatiguing. At least one lecturer, however, created a lively and indeed sensational interest in his course. In the winter session of 1893-4, the appointment in the University of Edinburgh was held by the late Dr. Otto Pfleiderer of Berlin. Pfleiderer's theological and philosophical standpoint is well known to all students, and it was perhaps not unnatural that, finding himself in the position he did, he should give full expression to his views in his lectures. These lectures consisted largely of an attack on the supernatural element of the Christianity of the New Testament. They were characterised, it is not necessary to say, by the literary sparkle and also the religious appreciativeness which are to be found in all Pfleiderer's work.

This raised, in the opinion of Principal Rainy and many others, a somewhat grave question—whether, namely, a conspicuous and highly paid lectureship at all the Scottish Universities, which cannot be used to argue for the Christian faith as that is believed among the Churches, is to be used to argue systematically against it. Dr. Rainy very justly doubted if that was Lord Gifford's intention in bestowing the foundation. At any rate, if Dr. Pfleiderer was within his rights in making such an attack on supernatural Christianity, the Churches were not only within their rights in meeting it but were bound to do so. And within a week of the German philosopher's closing prelection, a course of three lectures was begun in reply. These were delivered by Principal Rainy, Professor Orr (of the United Presbyterian Church), and Professor Marcus Dods.[1] All three were able lectures, but it is only with the first that we are concerned here. It is deserving of some record. Principal Rainy always excelled when he felt, so to speak, 'called out.' His lecture on this occasion was one of the most characteristic and effective appearances in his life.

The opening portion of his lecture—which, it need not be said, always refers to Dr. Pfleiderer with the utmost fairness and even appreciation—is a remarkably just summary of his opponent's position; and in speaking of the justness with which this is done, I may mention that I know that, before writing it, Dr. Rainy was at pains to read every book Dr. Pfleiderer had

[1] Professor Charteris of the Established Church was prevented, by ill health, from taking part in the course. He presided at Principal Rainy's lecture. The lectures are published under the title of *The Supernatural in Christianity* (T. and T. Clark).

written. That position is a 'revised Hegelianism' which brings Christianity, as everything else, under certain general principles of development—principles that exclude the supernatural. Yet, in it all, the critic is most anxious to make the most of Christianity and particularly of Christ. The result is what has been seen before, and Principal Rainy stated it thus :—

'Men start with theories that lead to negative conclusions. But if they are at the same time at all desirous to do justice to Christianity and to Christ, the object that rises before them begins to overpower them. Schleiermacher refused to admit the supernatural. And yet the Christ of his system is really supernatural to all intents and purposes, and brings an element of the supernatural with Him whenever He comes. And Pfleiderer (who will not think I do him injustice when I say that nobody would put him in the same rank with Schleiermacher), after laying down his thesis that Christ is not and could not be more than a remarkable religious genius, marking a most memorable stage in the history of human thought and action—from which one must conclude that not the man but the principles which He illustrated and signalised make the essential and permanent worth of Christianity—when he goes on to his theology, is found calmly laying down careful statements of the offices of Christ—Prophet, Priest and King—and of His redemption, satisfaction, substitution, and so on. Of course, all these are carefully explained and qualified so as to retain only a certain vague impressiveness. But why, on his principles, are they there at all? Because Christ is so strong. He must be allowed to fill the religion which He founded.'

Then the Principal, after discussing at some length and with appreciation the viewing of the world and all in its history under general principles of development, came to the alleged incongruity with this of any supernatural. He stated the question thus :—

'A system of the world which is to proceed mainly by development and growth ought not to be interfered with by an Incarnation and by a revealing process leading up to an Incarnation: that, Dr. Pfleiderer says, is to undo the scheme of thought from the bottom. We are here, then, in presence of the question whether a worthy conception of the world can embrace the Biblical conception of the Incarnation.'

The answer, Principal Rainy said, depends on the ends which God — whose personal character was not questioned by Pfleiderer—may provide for in His relation to men. And here came the following striking passage :—

'Is it beyond belief that it might be in the design of God to make a worthy manifestation of Himself which should be personal—that is to say, should vividly bring out God in the unity and concentration which belongs to personality with intellectual and moral features, with personal mind and will? That might not be well, unless it were accompanied and prepared by the great impression of the order of the world. And yet this last also might surely be defective if it stood alone. For in it God is manifested, as it were, on impersonal lines; and even if reason and conscience augur a personality behind the veil, it is vaguely and with an unsatisfied sense of distance and dimness and doubt. Certainly, also, this is what the human heart has craved for, when mythic fancies gave way before the advance of thought or under the strain of suffering, and when man felt himself face to face with the inexorable movement of the mighty world. "O that I could find Thee!" If God is in some high and intense sense personal—in possession of His own thought and character and will—is there no need that somehow at some stage His revelation should take personal character? And if so, let us not deceive ourselves. Personality expresses itself not by eternal processes but by individual words and deeds. If there be personality in God at all, it means that He who is behind me and beneath me and above me, who besets me everywhere, who is in all nature—the source of forces, the

measure of law, the orderer of events—*can* also, *can*, as Person with person, stand face to face with me on the platform of His own world to speak and to be answered. But can He do it *worthily*? Can He do it so as to complete, without fatally perplexing, the manifestation of Himself? I point for answer to Jesus Christ. Through Jewish religion, which developed in singular combination the consciousness of God's majesty with that of His watchfulness over men, we reach Jesus Christ. Whatever view you take of the theology of His Person, no doubt His own religion gave Him out as the singular manifestation and expression of God. And, no doubt of it, it is this that has decisively carried home to human minds the impression of the Divine personality, associated with worthy impressions of His mind and will. Has it done wrong to the manifestation of God given through the great universe in which He is immanent, working evermore? Do we not rather feel that this form of lowly and gracious manhood enables us to harmonise both sides of the manifestation, each enriching each? True, many a Christian has halted in one-sided thoughts of God: all our thoughts of God come short. Nevertheless, the manifestation itself is worthy in its completeness. It would be incomplete without the presence which confronts each of us in the pages of the Gospel. For in some world—here or hereafter—I, the personal man, rightly desire to find the personal God. In some world: but why not in this world?'

This is not less than a classical statement of the place of the Supernatural in Divine Revelation. It led the lecturer to refer to the Christian miracles. And here he admitted that 'modern prejudice is strong, I will grant not unnaturally strong,' for 'men had been notoriously prone to assert rashly and believe greedily in this department.' Whole categories of the marvellous, some of it non-Christian and much of it Christian, 'bear on their face,' he said (in an admirable phrase), 'the stamp of outlaws of reason.' Yet he maintained the supernatural view of Christ and His works to be

a congruous and needed element. He agreed with Pfleiderer, as with Martineau, that the inward spiritual witness is the true revelation. Still this is by no means always clear and conclusive. How do I know I am not misled by my own feelings and confusing God's revelation with my own way of thinking? It is here, said Principal Rainy, 'that the concurrence of the outward and the inward has a peculiar effect of assurance.' 'The divine within me and the non-divine are inextricably mixed, perhaps; but the finger of God without is wholly independent of me.' This is not a substitute for inward spiritual perception; but it is a fit corroboration of it to witness that a man is not deceiving himself with some fond subjective impressions.

The general thought of the lecture—of which the above is but a most fragmentary indication—is to assert that Christianity is not merely a system of ideas, but a wonderful history. The power of Christianity lay in what God had done—done on the plain of the world's history—to reveal Himself and to save man. Principal Rainy did not understand how some men easily consented to forgo all that for a Christianity of merely philosophical ideas. As he says in his lecture on Pfleiderer in summing up the matter :—

'On that view, there is no interruption of the silence of God. He is present—on reflection He may be presumed to be present—but there is no movement save the even thrill of His great existence for ever on the spiritual natures in contact with it; no incarnation, no atonement, no great promises, no covenant ordered in all things and sure. Not on these terms did Christianity conceive its message. Not under these conditions did the great sayings fill with their immortal meaning: "Hereby

perceive we the love of God." "We have believed the love that God hath towards us. God is love." '

Or, as I remember him once putting it to myself in conversation more simply: 'Ideas and ideals do not manifest the love of God to men—only what God has done shows that.' Here is something Dr. Rainy held and taught with great insistence. To him Christianity was an historical as well as a spiritual faith, and these two aspects of it, far from making 'a cleft'—as T. H. Green said of it[1]—embrace and interlock. So long as criticism was a matter of the mere details of a narrative, he cared little about it, as we have seen; but when it came to a discarding of the need of history at all, he felt the issue was vital. His strong adherence to historical Christianity was one of the most characteristic features of his religious position, and that is why I have referred to this lecture in reply to Pfleiderer's assault on it at such considerable length.

It is not inappropriate to close this chapter by recording that in the very month in which the lecture was delivered, one whose name can never be forgotten —least of all in the Scottish Church—in connection with the liberal movement in criticism and theology during the latter part of last century, passed away. William Robertson Smith died on 31st March 1894, in his forty-eighth year. Wellhausen called him 'the cleverest man in Britain'; and probably he was. Nearly thirteen years had passed since the tragic issue of his great struggle in the courts of the Church, and he

[1] *Vide* Address on Faith (*Works*, iii. 259 *sqq.*). Principal Rainy once described Green's version of Christianity as 'Christianity under an air-pump.'

had become editor of the *Encyclopædia Britannica*, and Lord Almoner's Professor of Arabic and also University Librarian in Cambridge. But the excitement of that prolonged controversy had told heavily upon him, and he was never quite the same man after it. Now his too soon exhausted body was at rest, and—to quote the finely conceived words of Mark Pattison on the death of Scaliger (which, if not literally justified of this wonderful nineteenth-century scholar, are surely in spirit appropriate to him)—'the most richly stored intellect which ever spent itself in acquiring knowledge was in the presence of the Omniscient.' [1]

[1] *Essays of Mark Pattison*, edited by H. Nettleship, i. 195

CHAPTER XX

THE SITUATION FIFTY YEARS AFTER

'FORTY-THREE was the year of the Disruption—it has become superfluous in Scotland to specify the century, so deep is the deed engraven in the national history—and in the Assembly of 1893 the Free Church celebrated the jubilee of an event the heroism of which had shone all through the years, but the profound and far-reaching effect of which was now realised as it could not be at the time. The founding of the Church of Scotland Free had proved to be at once one of the most conspicuous and one of the most influential acts of faith in modern history. The celebration of the jubilee was attended by delegates from a world-wide area of evangelical Christendom, and, in this aspect, was the most notable exhibition of the unity of the one Lord, one faith and one baptism which Scotland had witnessed for long. And, while the gatherings were happily preserved from being a mere glorification of the past, it was a new revelation of what the Disruption had meant to hear how its spiritual witness and impulse had reached far beyond the small land of its happening, and how in England and the Continent and the Colonies and America and the mission field, it had inspired faith and quickened conscience and aided liberty. There are aspects of the Disruption, as there

are of all human deeds, which it is easy to criticise. But you never truly judge a great act by merely fastening on its debatable points. You never fully judge a great act till you realise what would be the case if, whatever its imperfections, it had not been done. If the men of 'Forty-three' had not done their great deed, then, not only would the Church of Scotland have finally consented to surrender her historic claim of freedom of conscience in spiritual matters, and not only would the many reforms, other than ecclesiastical, which, directly or indirectly, have flowed from their great sacrifice for liberty, have been lost or at least postponed, but—it is no exaggeration to say it, for it was the meaning of the world-wide tribute which was paid to the Free Church on the occasion of this jubilee—the religious life of evangelical Christendom would have been the poorer. The event, like all events done by men, had its human frailties; but the years abundantly manifested how it had 'fallen out to the furtherance of the Gospel.'

The numerous testimonies thus borne to the historical and spiritual interest of the Disruption cannot be quoted here. But I shall find space for one of peculiar interest. The following letter was sent to the Moderator of the Assembly—who was Dr. Walter Smith—by the Prime Minister [1]:—

'10 Downing Street,
Whitehall, *May* 18*th*, 1893.

'Very Rev. and Dear Sir,—I had just been reading in a paper of this morning a friendly notice of your approaching

[1] This letter is published here in full for the first time. Absurd rumours got abroad at the time as to the contents of the first and last paragraphs which the Moderator, in reading the letter to the Assembly, omitted.

Assembly and was preparing almost at once to quit London, when I learned that a direct notice of the occasion from myself, on which I could not have ventured without encouragement, would not be regarded as presumptuous and would even be acceptable. The original Disruption (for this and not Secession is, I think, the just appellation) in 1843, with the circumstances of the preceding decade, are still fresh in my recollection, and have at all times been regarded by me with lively and sympathising interest.

'I am not personally associated with the Presbyterian Churches, but I conceive it to be historically true that the distinguished leaders of the Free Church movement, some of whom I have had the honour to call friends, were, in the course they followed half a century ago, the genuine representatives of the spirit of the Scottish Reformation.

'It is yet more important, and is, I think, wholly beyond dispute, that the procession of May 18th, when it set out from the Assembly Hall, and when its members gave up their temporal goods and expectations for the sake of conscience, exhibited a noble and heart-stirring spectacle, of which the glory belongs, in the first instance, to themselves and forms a precious inheritance for the Free Church, but which was entitled to excite and which did excite the cordial and even enthusiastic admiration of Christendom. It was indeed justly felt that mankind, and especially Christian mankind, were the better for such an example.

'There were other remarkable features of the movement which well deserve commemoration, but which are almost wholly eclipsed by its moral brightness. Truly notable was the statesmanship with which the whole controversy was conducted. And then came the extraordinary financial skill which presided over the new arrangements. I have always understood that this was mainly the skill of Dr. Chalmers. If this be so, it is to me a matter of special interest, for, about the years 1833-6, I had the honour of some personal intercourse with that admirable man, which afforded me some particular opportunities of appreciating his absolute indifference, and I think almost contempt, for matters of pecuniary interest in which he was immediately concerned.

'I trust it may please God that the high qualities which

marked the inception of the Free Church may perpetually abound within its borders.

'It is highly agreeable to me to address these remarks to one of its most distinguished representatives.—And I remain, Very Reverend and Dear Sir, truly and faithfully yours,

'W. E. GLADSTONE.'

So keen and sometimes suspicious is political and ecclesiastical party feeling that this letter provoked sneers from some of Mr. Gladstone's opponents—even the late Duke of Argyll sending a column of criticism to the press commenting on it as a mere 'buttering' of the Premier's Free Church supporters in the hope of further support to come. To this the Moderator sufficiently replied when he said that 'a Prime Minister, whether Liberal or Conservative, writing in the spirit of that letter, may always reckon on our responding with the charity that thinketh no evil.'

It is not within our biographical purpose to give an account of the Jubilee Assembly, which was carried through with undisguised enthusiasm. Whatever lessons the Free Church may have had to learn and whatever discipline she may have had to receive—and her history, as the reader knows, had not been an easy path—she was certainly under no temptation either to be ashamed of the deed of her fathers or to turn back from the way into which they had led her. Dr. Walter Smith, whose recognised culture and catholicity made him one who could never be the mouthpiece of mere sectarian stubbornness, expressed the mind of the Church of 1893 truly in these words in one of his addresses as Moderator :—

'Time has not brought us repentance : it has only increased our resolution. We still believe that our contention was right,

and that the judgments against it were wrong, having neither statute nor precedent to justify them, but only the logic of a mistaken metaphysic borrowed from the armoury of Hobbes, who fashioned weapons expressly for the service of tyrannical power. We still hold, also, that the State committed a grievous mistake in declining to redress our grievances and refusing our Claim of Right—a mistake which of late years she has practically acknowledged by granting largely to others what she refused to us. We have not drawn back one hairsbreadth from the position we maintained at the Disruption. But we cheerfully recognise the Divine wisdom in ordering events as they were then ordered, and we frankly accept the position of Disestablishment then imposed upon us by the High Court of Parliament and now known by us to be in every way the best. Statesmen and publicists have no right to complain because we have accepted the position they compelled us to take, and which our experience heartily approves both for ourselves and for others. It has enlarged the heart of the Church; it has discovered and developed her strength; it has delivered her from the long quarrel of centuries; and, finally, it has drawn closer to her the other Evangelical Churches of Christendom on whom the spiritual life of the world so largely depends, and who have done so much also, in their several countries, for the cause of freedom and of righteousness.'

These words expressed the almost universal sentiment in the generation of the Free Church which had grown up since the Disruption. 'A generation had arisen which knew not Joseph,' and perhaps it was not intensely engrossed over every phase of the old controversy; certainly it had laid aside the old bitterness. But the new generation was absolutely confident that it was a good thing religiously for the Church to have been delivered from her State connection and to remain so. This did not mean any adoption of abstract voluntaryism, but it did mean practically that, after fifty years'

experience—and fifty years with many troubles—the Free Church had not a thought of returning either to the existing Establishment or (leaving out of account a small minority) any establishment at all. Of the relation of this to the logic of the Disruption position, the Moderator again admirably expressed the Church's mind in such words as the following :—

'Experience, which is the great corrective of mere logic, has been teaching us as it taught those who took the same step before us. When Moses first appeared before Pharaoh, all he asked was that the people might be allowed to go a three days' journey into the desert that they might offer to the Lord those sacrifices which it was not lawful to offer in Egypt, where bulls and goats were not sacrifices but deities. There was no sort of deception in that request. Moses, you may be very certain, honestly meant to return as soon as the religious rites had been performed. But when Israel had left Goshen, the very first word that God said to His servant was, "Speak to the children of Israel that they go forward." *Nulla vestigia retrorsum.* Their way lay onward if they were to realise the great history and the noble destiny to which they had been appointed. So was it with the old Hebrews, and so it has been with all the various secessions from the Scottish Church. One and all of them forsook the national Establishment, fully persuaded that such an institution was scriptural and right, honestly meaning, also, to return to it as soon as it came back to the better ways of our forefathers. But with the exception of a small body, which again left with us at the Disruption, not one of them has taken the step which they all hoped one day to take. For, to them also the word came, "Speak to the people that they go forward." Practically, they all discovered that it was best for the spiritual health of the Church to rely simply on the forces of spiritual life within itself to provide what is necessary for doing its proper spiritual work. None of them formulated a doctrine on the subject. They just learned from experience that this was best for the Church, and that they could not go back to a system which led them

to rely on something else than the conscience of Christian duty. That lesson has been impressed on us by our experience too.'

These extracts from another speaker may seem out of place in the biography of Principal Rainy, but I give them because it was universally felt that the Moderator of the Jubilee Assembly, in his addresses, gave expression to the mind of the Church with exceptional accuracy and felicity—a fact which Principal Rainy emphatically recognised when (as has been mentioned in an early chapter) he said the Assembly would long be remembered not only as the Jubilee Assembly, but 'not less affectionately as the Assembly of Dr. Walter Chalmers Smith.'

Principal Rainy himself rather kept in the background during the jubilee celebrations, but he received a great ovation—the vast audience upstanding and cheering enthusiastically—when, as leader of the House, he rose to move a vote of thanks to the delegates from other Churches, which he did in a short and purely religious speech, containing not a word of laudation of the past, but only thankfulness to God 'Who had been answering many prayers.' Subsequently he had a similar but yet distinct and more delicate task to perform. The only important Presbyterian Church in the world which did not send delegates to this Jubilee Assembly was the Established Church of Scotland. This is not said by way of reproach; on the contrary, the relation of the Church that 'stayed in' at 1843 to the commemoration, amid so much laudation, of the act of those who 'came out' was obviously a delicate one. It was openly

stated that a section of the Established Church desired that she should take no notice of the commemoration, but other counsels prevailed, and at length a motion recognising the heroism of the actors in the Disruption and expressing Christian goodwill for the spiritual welfare of the Free Church was unanimously adopted by the Established Church Assembly. The speaking in support of the motion was in some cases not without restraint, but Principal Rainy, referring to that, said he respected it as meaning 'a desire to be perfectly frank and true.' The motion passed in the Established Church Assembly was not transmitted to the Free Church, but this omission did not keep Dr. Rainy from taking hold of it and acknowledging it. The reply was felicitous. It was interesting to see how, into a situation in which other men had spoken with an obvious touch of effort and embarrassment, he entered easily and effectively. In a friendly, though brief, speech he spoke of the 'warm Christian friendship often shown towards himself by Christian men and women of the Established Church,' and of the 'Christian feeling which had dictated this resolution' in connection with the Jubilee, and he moved a motion reciprocating this, 'gladly recognising the gifts and graces bestowed by God on the Established Church during the last fifty years' and ending thus :—

'Whatever matters of difference or debate may have existed or may still exist, the Assembly earnestly desire for the fathers and brethren of the Established Church the abundant outpouring of the Spirit of God and great happiness and success in the wide field of work which God in His providence has committed to them; and they cannot but believe that two

Churches, which have so much in common, will yet, under the guidance and blessing of God, be led into much happier and nearer relations to one another.'

This last sentence evoked immediate and prolonged applause, and the motion was at once adopted. I shall add some comment on it later.

Now—to revert to something that was emphasised in an earlier chapter—if only in 1885 Mr. Gladstone had removed the palpable obstacle between the two Churches, such words as these just quoted might have borne real fruit. But, as the reader knows, this had not been removed. The fact of Establishment was still there, and over it the Churches—though their mutual spirit was in many ways friendly—were no more in agreement than ever. Here there seemed nothing possible but the continuance of an unhappy controversy between two opposing views. From his Moderator's chair, Dr. Walter Smith—a man of abundant charity and a *persona grata* to all denominations—dared to dream of a happier way of it. He pictured the Established Church ' rising up and shaking herself and asking what was the real value of the privilege for which she stood aloof from other Churches born in the same house,' asking if it really helped the spiritual life of the people and whether ' the fresh spiritual blessings which would follow reunion ' were not worth the sacrifice. In the same strain Principal Rainy said nothing would delight him more than some magnanimous resolution on the part of the Established Church ' which would greatly overshadow any distinction that attaches to us.' Such appeals had—perhaps could have—no result. The Moderator of

the Assembly of the Established Church—Dr. Marshall Lang—referred to them in his closing address to that court by reiterating the words of Principal Tulloch (quoted in a former chapter) that they must 'stand' on Establishment. Thus the question remained to be settled in the unhappy arena of political controversy. Into that region we are compelled once more—for the last time in our narrative—to follow it for, at least, a short space.

Events had been happening in the political world to revive the question there. In 1892 a general election returned the Liberal party to power, though the majority of the venerable Liberal leader was the almost tragic one of forty—tragic because it meant an unremitting battle too heavy for his weight of years. Mr. Gladstone took up his burden indomitably. The new Parliament was engrossed over Home Rule, but the Government programme—so distinct was the progress Mr. Gladstone had made since 1885—included 'Suspensory Bills' relating to the Church both in Scotland and Wales. A suspensory bill on this subject was not needed in Scotland—where forty-seven members were pledged to Disestablishment and only nineteen were returned to oppose it, the remaining six being described as 'uncertain'—and early in 1894 Sir Charles Cameron, one of the members for Glasgow, brought in a bill for the Disestablishment of the Church of Scotland.[1] It was 'backed' by influential Scottish members, including Mr. Haldane. It was

[1] About the same time another Bill 'to remove obstacles to the reunion of the Presbyterians of Scotland' by 'declaring' the Constitution of the Church of Scotland—a revised Finlay Bill—was introduced by Mr. J. A. Campbell, but it proved abortive.

a well-considered and well-drafted bill, proposing immediate Disestablishment but gradual disendowment as vacancies occurred in parishes (thus avoiding the grossly extravagant method of a huge lump sum of compensation which was the method in the Irish Disestablishment Act), and, moreover, granting permanent use of all church fabrics and manses to the disestablished Church. The aim of Principal Rainy now was to persuade Mr. Gladstone to make the bill a Government measure. He was anxious for this for the sake of Mr. Gladstone as well as for the sake of Disestablishment. In a speech at this time, he anticipated ' the serener time to come when ecclesiastical privilege in Scotland shall have passed away ' and there might be ' a United Scottish Church,' and when ' the eager debates that now rage round a great man's reputation have given place to the recollection of a great character, and of great services, and of a life as noble as it was prolonged,' and he went on :—

' I know that there are some honest disestablishers who do not at present support the general policy of the remarkable man who is at the head of Her Majesty's Government, and I do not wish to express myself so as to imply either that they have no right to a place in our ranks or that the peculiarity of their position is disregarded. But I will say this of Mr. Gladstone : the master passion of his life—whether he has been right or wrong—has been a passion for justice. We want this great act of justice to be associated expressly with his name.'

So far as the Prime Minister's persuasions went, the appeal might well have proved successful. Mr. Gladstone had now taken up a very different attitude

to Scottish Disestablishment from that of the day of his memorable rebuff to it in 1885. He had voted for it, and he had directly urged Sir Charles Cameron to press it.[1] But Mr. Gladstone's work was now done. The great Liberal chief retired in 1894, weighed down with his years, and his successor as head of the Government was Lord Rosebery.

Attention was therefore now turned to the new Prime Minister, whose point of view on the subject generally may be gathered from an observation he made in his speech in Edinburgh after taking office, to the effect that the State has as much right to establish a Church as to establish a standing army. Principal Rainy—I remember noticing the look of quiet scrutiny which, from his seat on the platform, he turned on the utterer of this surely crude remark—made very soon a vigorous and what proved to be a successful effort to advance the Scottish Disestablishment Bill with the new administration. In January 1895 he wrote to Lord Rosebery (as well as to other members of the Cabinet who were concerned with Scotland), making this definite request :—

> ' Would the Government see their way to promise that, before a dissolution takes place, they will publicly adopt, as their own, Sir Charles Cameron's bill—of course, subject to minor amendments ? '

In a further letter a few days later, also to the Prime Minister, he tried to keep the question in the Queen's

[1] This I find in a letter from Sir Charles to the Principal in which he tells how Mr. Gladstone had been advising him to persevere to a solution of 'this most important question.'

Speech even though the Welsh case should be the one immediately proceeded with. The phrasing he suggested is rather ingenious. He wrote to Lord Rosebery :—

> ' I am not going to bombard you any more at present. But suppose the Queen's Speech was to run : " In a former letter I directed your attention to the necessity of dealing with the cases of the Church Establishment in Wales and of the Church of Scotland. In the present session, a Bill for dealing with the case of Wales will be submitted for your considereation." Would that do any harm ? '

The former of these suggestions—which was the most important forward step Dr. Rainy had attempted for the political advancement of the cause—was accepted almost in the terms in which it was made. At the end of the month, Lord Rosebery made a pronouncement at Cardiff on Disestablishment. It was a thoroughly enlightened speech, separating firmly ' the Church ' and the mere establishment (and so disposing of the foolish wailing, so frequent in Scotland from even intelligent Church defenders, that Disestablishment was ' destroying the Church '),[1] refusing to admit that Disendowment was ' sacrilege,' and repudiating the idea that Disestablishment means ' unchristianising the nation.' The speech dealt, of course, chiefly with

[1] It is really astonishing to find, on glancing through the newspapers of this time, how many men kept repeating this absurd statement, and these, not minor controversialists but leading ministers, whose names, however, and utterances I need not quote. It sounded peculiarly absurd in the ears of the self-disestablished and yet, assuredly, not destroyed Free Church. Principal Rainy said of this style of speaking : ' The tones are more tragical than the case will bear.'

Wales, but the speaker made the following notable statement as regards Scotland :—

> ' The Government would prefer, because I take it that would be a more proper and a more dignified course, to introduce a bill of their own ; but if, as I think they will be, the Government will be unable to do that, and if no better method of giving effect to their wishes arises, they will be prepared to accept Sir Charles Cameron's bill as their own, and so to lay before the Scottish people, before a dissolution occurs, a practical measure of Disestablishment in its broad scope, reserving the right of freedom as to detail, which they in due course, if life and health are given them, will be prepared to lay before Parliament.'

This pledge to give Government stamp to a Scottish Disestablishment measure was a satisfactory answer to Principal Rainy's letter of 15th January quoted above. The suggestion of his other letter—that the matter be mentioned in the Queen's speech—was not followed, because as Sir George Trevelyan, the Secretary for Scotland, explained later, there was not time to pass such a measure that session.

It may be added—the matter is not of great importance, but it illustrates Dr. Rainy's vigilance in the cause and also the constant obstacles it had to deal with—that even with Lord Rosebery's Cardiff pledge, the matter was not ended. A most systematic minimising of the Premier's words appeared in various quarters within Liberalism but hostile to Disestablishment, and at last, when a Scottish member, to settle the point, asked in the House of Commons if the Government ' would adopt Sir Charles Cameron's bill,' Sir George Trevelyan replied that ' the Government approve of the bill and regard it as just and equitable and as

framed on lines upon which legislation might be expected to proceed.' On the irrelevance of this reply to the question being pointed out (by voices on both sides of the House), Sir George's only answer was, 'No, sir, but——' 'The answer,' says *Hansard*, 'was not finished.'[1] Principal Rainy wrote to several Cabinet ministers protesting against the Secretary being 'instructed to puzzle people.' In the end—it is not worth while to go into the details of the matter—Lord Rosebery wrote the Principal a letter which I need not quote beyond saying that it reaffirmed the Cardiff statement as 'authoritative' and suggested that if some one were put up in the House to ask if the Government adhered to it, an affirmative reply to the question might meet the case. Thus the prospect of a Government Disestablishment Bill for Scotland was again made clear.

But 'death pays all debts,' and the somewhat luckless Rosebery Government came to an end within a year. A Unionist administration under Lord Salisbury came into power, and the régime of a party which, of course, gave no countenance to Disestablishment continued till the end of Principal Rainy's career. The question therefore need not re-emerge in these pages.

Sir George Trevelyan's unfinished reply aptly sums up the position in which it had been left. Disestablishment, that is to say, had in the first place been

[1] 4 *Hansard*, xxix. 149. It is right to add that whatever was the meaning of this curious incident, Scottish Disestablishment had no stauncher friend than Sir George Trevelyan—as his letters to Principal Rainy emphatically show.

negatived. A bill had not been carried. This was a source of obvious and legitimate congratulation to those who were opposed to Principal Rainy on this question. No doubt, the natural man within some of them—if it was at all 'good stuff'—when political ill-fortune again attended the Disestablishment cause after it had been for a second time brought within sight of realisation, was able to say with Browning's monk who soliloquised in the Spanish cloister:—

'He-he! There his lily snaps!'

This was only natural. Politics is above all else a practical business of getting bills turned into acts, and men who touch it must submit to be judged by this standard of success. By this standard, Principal Rainy had not succeeded. This remained the fact, even though it might be true—as it was true—that this result was not what was demanded by the clear and steady majority of the Scottish representatives, or even if it were true that it was one more example of how politicians rise to power on the votes of those who believe in and have suffered for such causes as the freedom or unity or spirituality of the Church of Christ and thereafter lose interest in these causes. These explanations do not alter the political fact that, as I have said, Scottish Disestablishment had been negatived. Still the negative had as little finality about it as Sir George Trevelyan's 'No, sir, but——' No thoughtful person in Scotland could believe this question could rest here as settled. A great question of justice remained, and also a great question of Presbyterian union. The former I shall not refer to here:

it is obvious and explains itself. But it was significant of the times that the latter should growingly appeal, and it deserves some few words.

One of the most notable changes that had passed over the relationship between the Established and the Free Churches was that, with whatever motives and on whatever principles the claim for Disestablishment had been made, the chief argument for it now with many people was that it and it only could remove the obstacle to reunion. This is worth noting, for it was significant of much. Fifty years before, in the heat of the Disruption controversy and immediately thereafter, neither side had any such thought of the future. On the contrary, it then seemed to each of the two sections, that it and it only would and should triumph as the National Church and that the other would be borne down. This to us seems—and, indeed, no doubt it really was—less than either Christian or reasonable ; but if one puts oneself into the atmosphere of the times, it is at least not unintelligible on both sides. The Free Church was in the first flood of her irresistible enthusiasm, capable of anything, having carried with her unquestionably the main current of the intellectual and spiritual life of the Church of Scotland ; as she looked at, for example, that 'residuary Assembly' whose proceedings have been narrated in an early chapter, and at the condition of the Establishment in many districts of the country, it is no wonder she thought no future was to be looked for there. On the other hand, one can quite understand how cool-headed men of the world (I use the phrase in no offensive sense) in the Established Church, unable to

dispute the energy, the enthusiasm, the *élan* for the time of the 'seceders,' calculated that the pace could not last and that the movement would exhaust itself.[1] The fifty years that had passed since 1843 had rebuked both these expectations. The Established Church had revived and the Free Church had remained. The providence of God was teaching the Churches clearly that both were necessary to the realisation of the National Church of Scotland, and that neither without the other could be complete. It was this which made the closing sentence of the motion of Principal Rainy about the Established Church at the Jubilee Assembly so significant.

And yet, as I have said, with the sincerest and even friendliest recognition of this—and one must not exaggerate it as if it was recognised everywhere—there remained the practical question of how these Churches, once separated but now, to at least some degree, admitting they needed one another in order to restore the national Scottish Church to her power and unity, were to be brought together. But even as to this, these fifty years had much to say, though what they said was naturally to many unwelcome. So

[1] This feeling was widespread, especially among prominent laymen; and I believe, in part, accounts for some of the site-refusing which went on. In many cases, of course, this site-refusing arose from sheer bitter hatred of the Free Church. But it would be unjust to impute this spirit in every case. Such a man, for example, as the Duke of Buccleuch of the period—a man whose public life was animated with a high sense of the *noblesse oblige*—refused sites, at least partly, because he believed the Free Church would die out and therefore should not be encouraged. I have good authority for stating that, in his last illness, the Duke said to one of his nurses, on discovering that she was a Free Churchwoman, that there was no action of his public life he more regretted than his having refused sites to the Free Church.

long before as the time of passing of the Patronage Act—when, the reader will remember, many foolish expectations about union were stirred—the most eminent member of the Established Church, the Duke of Argyll, declared that 'there is no hope whatever of the union of the Free and Established Churches except on the ground of Disestablishment.'[1] The years had put the truth of this statement to probation. What thwarted union was now no longer matter of theoretic dispute. All over the English-speaking world, Presbyterian union had been or was being effected where there was no establishment and the results, both materially and spiritually, were of the happiest: in Scotland alone, where alone was an establishment, was this immense boon and this Christian duty, impossible. Moreover, as if to reduce the matter to final proof, an interesting conference on union was held, in the very year of the Jubilee Assembly of the Free Church, between unofficial representatives of the three Presbyterian Churches. I have explained, in a previous chapter, that Principal Rainy did not see his way personally to take part in these self-constituted meetings. But this conference in 1893, while, of course, it had no ecclesiastical authority, was of significance because it was attended by really representative men.[2] Its conclusions are not materially different from those which the Church courts themselves might have reached, and its proceedings

[1] 3 *Hansard*, ccix. 829. This was, of course, the late (eighth) Duke.

[2] Such as: from the Established Church—Professor Charteris, Dr. Scott, Dr. Marshall Lang, Lord Polwarth; from the Free Church—Dr. Ross Taylor, Professor Candlish, Mr. Taylor Innes; from the United Presbyterian Church—Professor Calderwood and Dr. MacEwen.

and conclusions are worthy of a brief record as an indication of 'the situation fifty years after.'

The three chief subjects of discussion were 'Spiritual Independence,' 'National Religion,' and 'the Establishment of the Church.' On all there was divergence of view; but, on the first, a conclusion was unanimously arrived at which seemed to afford 'a basis of union,' and as to the second, while the differences were more serious, there was 'a fairly sufficient basis for union.' On the matter of Establishment there was a dead-lock. United Presbyterian members of the Conference declared they 'cannot concur in a proposal for union of the Presbyterian Churches of Scotland on the basis of Establishment by the State.' The Free Church members (or the majority of them) regarded Establishment as 'perilous,' 'unjust' and 'unnecessary' in Scotland, and added that it 'has been proved by the discussions in this Conference to be the great, if not the sole, obstacle to Presbyterian Union.' The Established Church representatives declared they could not consent to Disestablishment. The only suggestion they could in conscience offer was that 'there should be the fullest difference of opinion regarding Establishment within a National Church.' The reply given by the Free Church members was the obvious one that this only the more clearly showed that 'the real obstacle to Presbyterian Union lies not in difference of opinion, which might confessedly be tolerated, but in the actual existence of a State connection,' and that a union, so long as that exists 'as a fact,' would 'imply far more than the toleration in others of certain opinions,' and would 'involve the

practical acceptance of Establishment.' The Conference finally came to a conclusion by recording its 'warm gratification at the spirit which has all along characterised its discussions,' but also 'its deep regret at finding itself unable to agree to a basis for incorporating union.' Yet this conference had not sat in vain. It had patiently and palpably proved what is certainly the main, and probably the only, thing preventing the reunion of the chief branches of the Scottish Church. There is no fact in the present situation in Scotland which more surely is making its way into the public mind and the Christian conscience than this.[1]

This situation, thus, still remains open and unsolved and is to-day afresh exercising the mind of the Church. We must not, in these pages, discuss its present phases and prospects. But I may conclude the discussion of the matter here—necessarily somewhat prolonged and controversial—by saying that to the end of his life, Principal Rainy never lost hope that the solution might yet be attained with at least a measure of agreement on the part of men attached to the Established Church, but who, as he once put it, 'love the Church of Christ in Scotland so well that they will consent to love Establishment a little less.' Whether Principal Rainy was right in his Disestablishment policy or not, this at least can be said most positively—that he never sought Disestablishment as a triumph for himself or his Church. He sought it as, in his view, the one basis on which a broader Scottish Church

[1] The minutes and leading documents of this instructive conference were subsequently published, and the quotations indicated above are taken from the official report (Neill and Co., Edinburgh).

could ever be happily, legitimately, and finally built; and it was almost touching to observe how he desired that, when it should come, the Established Church, far from being 'destroyed' by it or even discredited, should rather have the credit of it by a contribution of magnanimous consent. And, after all—with every gentleness be it said—is it not really the turn of the Established Church to pay her part of the *price* for the unity and the liberty of the Scottish Church?

This subject necessarily has occupied a good deal of space in these pages, but it would be a great mistake to imagine for a moment either that it held the chief place in Principal Rainy's mind—'I think,' he once said, 'of other subjects a great deal more than of Disestablishment'—or even that it was allowed by him to occupy an undue place in the life of the Church. A great deal of exaggeration was talked about Dr. Rainy 'agitating' Disestablishment in the Church: the fact being that he steadily confined any action in the matter to the Assembly and its Committee and set his face against its being brought up in presbyteries and congregations, even though, on the other side—and quite intelligibly from one point of view—every Established manse was a centre of 'Church defence.' As to the condition of the general life of the Free Church, one is not called on in this biography to enter into facts and figures, but it may be useful to refer in the briefest way to two aspects of her progress during these fifty years. It indicates something of her steady material advance that, while the sum raised for all purposes by the Free Church in the ten years after the Disruption was three millions, the

sum raised from 1883 to the Jubilee was nearly seven millions. This, however, is merely financial, and financial progress is in a Church no very deep test of its real well-being. Perhaps the most Christian test of a Church is its missionary interest; selfish and worldly motives enter into this less than into any other department of liberality or service. I find that the missionary income of the unbroken Church of Scotland before the Disruption never rose above £8000. In 1844, the Free Church alone made this £13,000, and, in 1893, her missionary income was £108,000. But service is more than money. The staff of thirteen Indian missionaries who, at the Disruption, had all thrown in their lot with the Free Church, had developed by 1893 to a missionary staff, in India and elsewhere, of 198 (including missionaries' wives), while the whole number of agents, European and native, was almost a thousand. These things are mentioned because it is important that in a biography such as this, occupied necessarily largely with ecclesiastical affairs and even controversy, the reader should understand how strong and how earnest was the current of religious life behind it all. In the Established Church, let it be added, had been also manifold progress. The two Churches, as Churches, were growing in religious activity and also in understanding of one another; and it was only the purely political feature attaching to one of them which prevented all this from bearing its legitimate fruit in a movement for union.

One other remark may be made about the Free Church, bearing even more closely on Principal Rainy's leadership. It was—comparatively—a small Church,

and yet within her limited area were extraordinarily diversified elements, which made the problem of her leadership one of almost unique difficulty. This is perhaps best illustrated by saying that within the Free Church were to be found at once the finest and most fearless scholarship in Scotland and also the narrowest traditional orthodoxy. No other Church in Scotland equalled her in either of these respects. This double fact helps us to realise what a strangely trying and testing task was laid upon Principal Rainy; and, be it remembered, the Church he had to guide was a self-governing Church in which (as I remarked in connection with the Robertson Smith case) questions are carried to an issue, and a leader must therefore lead and not simply keep the peace. No Premier—even though his party contained Home Rulers and Unionists or Tariff Reformers and Free Traders—and certainly no Primate had a task more delicate than that of leading the Free Church, with the Highland host at the one end and the higher critics at the other.

I shall close this chapter with a characterisation of the man whose task this was. It shows the position to which Principal Rainy had attained, not indeed in the view of the controversialists of the press or the platform and (one must add) the pulpit, but in the estimation of one whose judgment is of interest and weight. In 1895, Mr. Gladstone was one of a company of friends whom the hospitality of Sir Donald Currie took for a cruise on board the steamship *Tantallon Castle*. The following incident is vouched for by a relative of Sir Donald's, and also by another member of the party. The conversation one day turned, in Mr. Gladstone's

presence, to the subject of the most eminent living Scotsman. Lord Rosebery and Mr. Balfour were mentioned, and also others. Then one of the company said, ' But, Mr. Gladstone, what of Principal Rainy ? ' The immediate reply was, ' He is unquestionably the greatest of living Scotsmen.'

CHAPTER XXI

PRE-UNION AFFAIRS: GENERAL CHURCH VIEWS

THE Jubilee of the Free Church of Scotland in 1893 brought, to the minds of many, recollections of another 'ten years' conflict' than that which culminated in the Disruption. No delegates came with a warmer message or received a warmer reception than those from the United Presbyterian Church,[1] between which and the Free Church negotiations for union had been so hopefully begun some thirty years before and then, a decade later, so sadly thwarted. There is no doubt that at the Jubilee Assembly the idea of this union was revived with new strength, and from that time it went steadily on to its great consummation in 1900. The guiding of this movement became the main concern of Principal Rainy and of the Church generally during these years; and this must be carefully narrated. But of course there were also, in this period, other matters of interest, and it will be more convenient to refer to these briefly in this chapter, and then, in the next, take up the story of the negotiations for and achievement of the union as a consecutive narrative. This chapter will thus be of a somewhat disjointed character; throughout it, the

[1] The venerated Principal Cairns was missed among them: he had died in the previous year.

reader must bear in mind that a great movement was making progress and the future was taking new shape for the Free Church more and more clearly.

One may mention, to begin with, an interesting and pleasing episode in the year after the Jubilee Assembly —namely, the presentation of Principal Rainy's portrait to the New College and of a replica of it to Mrs. Rainy. The former was the gift of old students and the latter of other friends. The presentation on behalf of the students was made by Dr. Iverach—now Principal of the United Free Church College in Aberdeen—and accepted for the Senate by the senior professor, Dr. A. B. Davidson. The other picture was presented by the Lord Provost of Edinburgh, Sir James Russell— an elder of the Free Church—and the Principal, accepting it for his wife, made a simple and happy speech about his home and about himself. As to the form their gift had taken, while he felt bashful to speak of it, still ' he was free to say that his wife after the lapse of all these years was not tired of looking at his face, and he was very sure he was not the least tired of looking at hers.' He recalled how ' in those wise days that preceded their marriage ' they had ' a kind of compact that they were never to get tired of looking at one another and they had not broken it through yet.' He spoke of the strength and comfort his home—his wife and their children—had been to him, and declared ' he was the least ecclesiastical person in the family.' Then he passed on to refer to his more public work with the same frankness, and, though his words were simple, one may quote them because they are char-

acteristic of the man's unaffected humbleness and gratefulness :—

'He could only say that he really did not know what to say about it because he did not know what to think about it. He had sometimes thought to himself whether he had had a plan, or laid lines, or intended to come to any of the positions he had occupied. He could not say that he ever did. Somehow it had come to pass so ; and had come to pass so, he rather suspected, not through any positive claims or altitudes of mind, but rather because he seemed to be to some minds an unobjectionable person—a person who could be put in a position without very tangible objections being made to him. That was the only way he could account for the kindness. He had a most humble sense of undeserved kindness. He did not know why God had been so good to him ; he did not understand it. He could not believe that anything could be more valuable in life than the kindly affection of good men. He knew that many good men gravely disapproved of the lines he had taken. He did not despise them. He hoped that in the years that might remain to him—they could not be very many now—he might be able to make a better use than ever he had done of any kindly feeling or disposition to take kindly at his hand what he said or did. He would like to do far otherwise for the Church of Christ than he had ever done. He could sincerely say he was bowed to the ground with wonder and humiliation at all the kindly goodwill that had been repeatedly shown to him by the fathers and brethren. He would pray to God that he might render to them again according to the benefit that had been done to him. He was bound to the service of Christ by many, many vows, and woe to him if after all that he had not served Christ and Christ's Church. He thanked them from the bottom of his heart.'

The portrait is by Sir George Reid, then President of the Royal Scottish Academy, but, unfortunately, it cannot be ranked among that distinguished artist's most successful work. Dr. Rainy was a difficult subject. He had an extraordinarily mobile counten-

ance, and is said to have come to the studio with a different expression each day.

The mention of his family in the speech just quoted makes this a place where it may be recorded that at this time Dr. Rainy had both sorrows and new interests in his home life. His second son, Henry, died in 1890, after a trying illness. Mrs. Rainy's health also gave frequent cause for anxiety. Nothing could surpass Dr. Rainy's tenderness on occasions such as these. On the other hand, the years brought new family interests. He was now a grandfather, and a very proud one. His youngest son, George, passed dux out of the Edinburgh Academy and was about to go to Oxford. About this, his father wrote him a letter which may be quoted both as illustrating the way he talked with his children about their life and also as expressing his view of Oxford training :—

'We are glad you are having some respite from work. Also that you have gone off with a feather in your cap. Your winning the steeplechase [1] impresses us with the belief that there is something furious and reckless in your character. It is always good to have fresh light on the character of one's children.

'I have been thinking a good deal about the Oxford business. I imagine your own judgment is decidedly in favour of going, and even if I did not pay that element as much respect as I certainly do, I must admit that things have tended towards the Oxford decision without any forcing on our part or yours. Therefore I am quite willing to let it be so. But I will frankly explain to you what has struck me on the other side. This is not intended to disturb or worry you, but rather to point out things which perhaps, by being in view, may be diminished or averted.

[1] His son had taken athletic as well as other prizes.

'I am not very anxious on the score of your being swayed in the Episcopal direction, and yet it is a possibility I deprecate. And I should like you to understand that this is not, on my part, mere prejudice against another form of Christianity. There are in the Church of England many far better Christians than I am. But I am old enough to have seen that a change of this kind draws after it, perhaps insensibly but inevitably, a separation of sympathies and a practical estrangement, all the more pathetic because it is reluctant on both sides. But as I say, my anxiety on a point of this kind is not very great.

'With regard, however, to Oxford as a place of education —acknowledging the very fine and high finish imparted to a select class of men and in which I would expect you to share, I cannot but feel that it moves on somewhat narrow lines, and omits, or inadequately develops, some great elements. The Tutor of Merton who wrote to you spoke of the line of studies he hoped you would follow as a school of philosophy and ancient history studied mainly in classical texts. But quite clearly, this not only implies a very special point of view, but it imposes a method which *de facto* necessitates a very great expenditure indeed of time and strength on the mere attainment of minute finish and accuracy in the mastery of Greek and Latin. Strongly persuaded as I am that a measure of classical training is good, I cannot regard the proportionate share given to this at Oxford as perfectly rational, or as the best training for a mind that is open to the leading interests recognised by cultivated men.'

As this letter may give some readers a false impression of Dr. Rainy's own classical attainments, I may add that he often read Greek and Latin writers to us from the original in his class lectures, translating, as he read, with perfect fluency.

To turn, however, to more public matters. In 1895 there was some revival in the Free Church of the 'heresy hunting' which had disturbed it three or four years before. This time the fox was Professor Henry Drummond, whose volume entitled *The Ascent of Man*

seemed to some to contain views of the origin of the world and of man inconsistent with Biblical truth. Drummond was at the time professor of Natural Science in the Church's College in Glasgow. He held a quite unique place in the affections of an immense circle of friends both within and without the Free Church. As to the semi-theological theories which first made his name famous in his *Natural Law in the Spiritual World*, it cannot be said that they met with general acceptance in the critical mind of the Church, or indeed were taken very seriously. But that matters little, for Henry Drummond himself was infinitely better than his theories. *The Ascent of Man* was an attempt—poetical, perhaps, more than scientific—to read ethical motives and processes into the Darwinian account of the evolution of species, which, of course, it frankly accepted as (to use Drummond's phrase) 'the method God chose of creation.' When the book was brought before the Assembly, Principal Rainy at once moved that no action be taken upon it. Personally he hardly thought that the author had left himself room for essential theistic and moral interests, but he recognised the theistic and ethical aim of the book and held the Church should leave it to the discussion it would receive. The Assembly agreed to this by a large majority. Any one who knew both Principal Rainy and Professor Drummond can hardly name them together without adding that they were the two most interesting men in the Scottish religious world of their time, and they were absolutely different men in everything—except the one deepest thing of all. Dr. Rainy hardly knew Drummond, but he was

much interested in him—in the man, not so much in his books—and liked to hear about him. I recall happening to remark in the Rainys' house on one occasion that Drummond—it was immediately after his death—had passed through the two severest ordeals that any man could pass through, namely, immense popularity and intense pain, and that neither had changed him one whit from the natural and unselfish and pure soul he had always been. The Principal heard the remark and turned and said, 'That is a fine thing to be able to say of a man.' It was no more than the truth. There is in some characters a perfection to which we see they attain: there was about Henry Drummond a perfection he seemed not to have lost. He made one believe that if there be such a thing as original sin, there is also such a thing as original righteousness. But it is hopeless to convey to those who did not know him any just impression of his unstained and yet so perfectly natural and human purity and goodness. When he died, a light went out in the lives of his friends.

I have said that Principal Rainy and Professor Drummond were utterly different except in the one deepest thing of all, and this, of course, means their love of their common Master and devotion to His Kingdom. In the Assembly of 1896, a notable incident took place in connection with which Dr. Rainy, more perhaps than on any other public occasion in his life, revealed this deepest thing of all in his heart. The Moderator of that Assembly was the Hon. and Rev. Principal Miller, C.I.E., the distinguished head of the Christian College of Madras and the most eminent

educationist in all Southern India. The respect in which Dr. Miller is held and the influence which, through the College, he has exerted over non-Christians as well as Christians in the Madras Presidency can hardly be overestimated. A most remarkable testimony to his work was sent to the Assembly in the form of an address to the Supreme Court of the Free Church from native former students or friends of Dr. Miller's College. It thanked the Church for sending him and men such as he was, and it went on to tell of the moral and intellectual awakening such work as his had stirred in India showing itself in a 'restless sense of deficiencies' and 'an eagerness to appropriate new forms of thought and to assimilate new forms of goodness.' There were two things of exceptional interest about this remarkable and unique address. One was the character of the signatories. They were over fifteen hundred in number, and included a Rajah, a member of the Imperial Legislative Council, a High Court Judge, several Dewans (that is Prime Ministers) of Native States, and many professors, leading merchants, and other representative men. Such a letter had never been sent from the East to any Church in the West. The other noticeable thing was, that it did not profess to come from persons who had all accepted Christianity. It was a voice from India—non-Christian as well as Christian—and this was what made it so significant. Principal Rainy, as leader of the House, moved the Assembly's reply. I think many would like to read this speech in its entirety, so I reproduce it. Its conception and diction all through are noble and, as it went on, it thrilled the

House with its revelation of the intensity of the master passion in the speaker's heart. Dr. Rainy said :—

'Moderator, I have been asked to move the reply to this remarkable address. The significance of it may perhaps be differently interpreted from different points of view ; but all of us must feel that it constitutes a memorable step in our relations with our Indian brethren. What it means to you, sir, how well you can understand what it means and could express it, we know. But it does not come to you. It comes to us. And it comes to us with a far more stimulating and rousing effect than if it had come to you. We rejoice in this fresh testimony to the work and the influence of our missionaries in Southern India, with yourself at their head ; and we rejoice to think that it has been the honour and distinction of this Church to earn these feelings and the expression of these feelings from our brethren in Southern India. Moderator, I think one feeling of which we are conscious is this—that we hardly appreciated before, how, as it were, electric wires have been laid, along which comes thrilling to us the sense of an unexpected fulness of fellowship, first of all, no doubt, with those of the College who have received and confessed Christ, but also with many—and how gladly we feel it—with many who have not taken that great step and yet are drawing towards us and are glad that we have drawn towards them. Some of those who sign the address are Christians, but very many, a much larger number, though they have studied at a Christian college, are not Christians. Plainly the address has been planned—and when one thinks of it, one sees it only could be planned—to express the feelings and views of the non-Christians. Nothing peculiarly Christian could be introduced into it ; only, the Christians concur in it as far as it goes.

'Now it strikes me, Moderator, that a man of any liveliness of imagination, interested in Indian Missions, but looking at them from this country, must often have reflected within himself how great his ignorance is of the real state of mind of men like these, who have passed through our colleges and have gone forth into life in India, and who are now in their various spheres of work carrying with them the training and the impressions which they have received. The Christians we can more fully

understand: like us, they are Christians, though their Christianity has its own oriental character. But how dim, mostly, is our impression of the life and thought and feeling of the great number of men, young men once, now growing old, who have passed through our colleges. One hears things of them now and again that convey the impression of something distinctive. One hears that men from the Christian colleges evince a kindlier sentiment to the British race and to the British Government than the men do who have passed through the Government Colleges. One hears that if you travel on any Christian errand in India, and fall in with men of this class, you meet with welcome and help from them although they are not Christians. Such traits are something, but they do not come to much.

'Here, in this address, we seem to get a glimpse. They tell us how in our colleges they have been awakening to the great world of Western intellectual and moral life, intellectual and moral questioning, intellectual and moral debates; and how the great realms of knowledge, which, as they widen daily, are well-nigh bewildering ourselves, have been laid open also to them and are fascinating them with the attainments and possibilities of science. Their ears and their hearts have been reached by the "many kinds of voices there are in the world." Their souls have caught the distant but ever-swelling murmur of those voices, and they have gone forth into life under the influences thus set to work within them. So they tell us how —of course in varying degrees, for they are not all remarkable or highly-susceptible men—they have become conscious of new ideas, have felt the pressure of new conceptions of duty and destiny, have become conscious of wants, conscious of aspirations, apprehensive of truth that might be theirs, and goodness that might be theirs, and moral progress that might be theirs. With all this to stir them, they have gone forth into the life of India, and there in their various spheres they are at work. So much they tell us.

'But, Moderator, we know something more about them which they do not tell us. We know that in the college this world of thought and impression has been saturated for them with the name and the memory and the teaching of Christ. That is irrevocably done for these men. It can never be taken

out of them. Henceforth, do what they will, go where they may, that follows them. They speak of ideals. But they cannot separate man's ideals from the Man Christ Jesus. They speak of truth. Questions about truth involve the question, What about Christ? They speak to us of goodness. And—more faintly or more vividly, more lightly or more seriously—does there not rise on their memory a Face, marred more than any man's, that carries an image and message of goodness, leaving all else of goodness behind it and below it? They speak of necessity and want. Surely the thought must come, in all that has been pressed on them, of one supreme want and one supreme supply for it. Yes, more or less distinctly, One has knocked at the door of every one of these men and is knocking still. Amid the many voices that have thrilled and stirred and intoxicated them, there is a still small voice. It has claimed them. And it does not cease to speak, for there is no patience like the patience of Christ. The presence of Christ follows them through their lives. What shall come of it in the individual cases, I do not know. I suppose that in many, many cases nothing will come of it that you or I or any one can see. But surely the existence of such men is a leaven in India. And as men multiply whose mind and outlook are of this type, surely a day will come, in the providence of God, when that leaven will begin to ferment and to set in great processes of change. What forms those changes will take I do not prescribe. He knows and He will make it plain, through whatever processes, that His word will not return unto Him void. Meanwhile, fathers and brethren, O how greatly one desires that these interesting lives with which we have been brought into touch in the way this address suggests, might be purified and gladdened by the love of Christ!'

Principal Rainy then moved the terms of the Assembly's reply, the first paragraph of which contained suitable words of acknowledgment of the address, and the second paragraph—practically a continuation of his speech and obviously direct from his pen—went on :—

'You remind us that many of you are not sharers with us

in the religious belief which has inspired our work in India and elsewhere. We respect the exercise of your own judgment, and through all the differences that may divide us we would maintain the same cordial goodwill. It is most true that we desire, as you express it, to see East and West linked in a common brotherhood. We rejoice in all good gifts which are peculiarly your own ; and we would be serviceable to you in communicating, so far as you will receive them, whatever good gifts have been bestowed upon us by Him who has made of one blood all nations of men to dwell upon the face of the earth. But, in that spirit, we desire, affectionately and above all things, once more to commend to you, as our missionaries have often done, the Lord Jesus Christ, the only begotten Son of God, Who for us men and for our sake took flesh and died. We men in the West have no better claim to Him than you have. We possess nothing so precious—we value nothing so much—we have no source of good so full, fruitful and enduring —we have nothing to compare with the Lord Jesus Christ. To Him we must bear witness. And we should gladly consent that you should cease to listen to us, if you would be led to give your ear and your heart to Him.'

No utterance of Principal Rainy throughout his whole life produced a deeper impression in the Assembly than his delivery of the speech and reading of this motion.[1] Never was he himself more deeply stirred. The House saw its superbly self-repressed and self-controlled leader moved as it had never seen him before, and heard his voice thrill with a note it had never heard in the keenest hour of controversy. And it realised that the passion of that man was that Christ might be magnified.

This mention of India makes this a place where it may be inserted that Principal Rainy took an earnest

[1] He was asked by a friend for his notes of this speech, and replied he had none. It was in every sense the outcome of the deep feeling of the occasion.

interest in the discussion which was being carried on in Parliament and elsewhere on the subject of the operation of the Contagious Diseases Act in the military cantonments of India and other parts of the Empire. The subject is not one that need be entered into here, but the Principal's distinct attitude—contrary to the opinion of influential persons even within the Church—against these notorious Acts should be recorded

I do not think that any other questions or speeches in the Assembly during these years call for special attention—the reader is, of course, remembering that the great business of the time was the renewed proposals for union with the United Presbyterian Church which are to be narrated in the next chapter. It was, on the whole, a time of more peace and unity within the borders of the Free Church than she had enjoyed for long. The secession over the Declaratory Act had drafted away some of the malcontent element in the north, and had also had the result of making some of those who remained in the Free Church draw to her more closely as they found schism at their doors. The secession, in short, as Principal Rainy once rather dryly put it, 'had its compensations.' Also the agitation about unsound doctrine died down, and the missionary and other religious activities of the Church were being earnestly and successfully prosecuted. Except in connection with the momentous movement for the union, Principal Rainy had probably less cause for anxiety as leader of the Free Church than he had had since he came into that responsible position. His authority in the Assembly was now supreme.

He led the House in most matters with undisputed authority ; and let no one imagine that a great democratic assembly of educated Scotsmen of all types and professions and stations of life is easily led. But the Church in a quite unique way *trusted* its leader as not merely the ablest but the most deeply spiritual guide any Church in the land possessed. Not even the Disruption leaders had more fully the confidence of the Church than Dr. Rainy now had. Yet there was about him never a trace of presumption or arrogance. He was the servant of the Church even more than the ruler.

Shortly after the Jubilee Assembly, Principal Rainy delivered in St. Columba's Church, Cambridge—the minister of which was the Rev. A. Halliday Douglas, formerly one of the Principal's successors in Huntly and a brilliant scholar whose career was ended by a much lamented early death—a lecture on ' Presbyterianism.' It touches on many merely ecclesiastical points in Presbyterian procedure which need not be referred to here ; but some of its more general reflections are interestingly illustrated by such a story as that of this biography. Thus the Principal speaks of how Presbyterianism ' acquires for the Church in its corporate action popular support and impulse ' and ' prepares a people ready to be appealed to,' as neither Anglican Episcopacy, which ' fails greatly in providing for the representative element,' or Congregationalism, ' which does not furnish means by which the greater Church, as such, may feel itself to be effectively and responsibly thinking and acting,' succeeds in doing. No other system so ' welds and wields a widespread community,' but on this he added :—

'I make this statement on the supposition that the community is a community of independent and self-respecting Christian people. The Church of Rome, it must be owned, displays an immense power of penetrating her people with her influence; but that takes place under the condition of a thoroughly passive and submissive temper on the part of the flock.'

As to this last point, he admitted that the way the Presbyterian system invites the body of the Christian people into participation in the wider affairs and interests of the Church carries difficulties in its train in times of debate or unsettlement. The strain thus arising is 'sometimes considerable,' but it is 'honourable.' And he continued :—

'Indeed I am disposed to press the question whether, on a New Testament view of the Church, any system of organisation can be vindicated which has not this as one of its features—namely, a plain aptitude to carry on the education of the whole membership by making them participant, each in his own degree, in the questions which Divine Providence is raising for the Church and in the grounds on which these questions must be disposed of.'

So, perhaps, the prolonged debates recorded in this book about spiritual freedom or union or criticism had, after all, despite their obvious human frailties, more of the New Testament Church about them than a dignified conclave of bishops or an ecclesiastical judge sitting in the indisputable decorum of his court. At the close of this lecture, Dr. Rainy spoke of proposals for union between Presbytery and Episcopacy. He remarked that if this meant merely that they should not reckon externals of Church government as sufficient ground for disunion, that would be intelligible.

Applied all round, he observed, it would mean 'we should all be Episcopalians in England and, by a much larger majority, all Presbyterians in Scotland.' Then he went on :—

'But that is not the proposal. We must accept "the historic Episcopate." . . . Observe the meaning of this. Why should not the Anglican concede *his* peculiarity ? The answer is : "*Non possumus*. Our conscience is concerned. We cannot find the Church of Christ in any non-episcopal society." That is to say, every branch of Christ's Church, at present non-episcopal, which comes into the proposed arrangement, is silently to acquiesce in the repudiation of its own character as an authentic branch of the Church. And when it does so (if any do so), where will it be ? Cut off by its own act from fellowship with all the Protestant Churches which refuse to follow it—merged in a system which refuses to hold ecclesiastical fellowship with the great mass of Protestant Christianity. Is that possible ? No, verily. That would be treason to the principle of unity itself—a principle which is violated by no other Protestants in the world as it is by the Protestants of the Church of England.'

'The first step,' he went on, 'to approximation, not to speak of reunion, is recognition.' And he added this gentle comment on Anglicanism :—

'Meanwhile, it is not worth the consideration of Anglicans that they occupy this singular position—they will not recognise the Church standing of those who recognise them ; and they only recognise the Church standing of those, Greeks and Latins, who do not recognise them. Is not that an odd kind of Catholicity ? '

I have quoted from this lecture at some length because it gives, in convenient form, some of Dr. Rainy's more general Church views. As regards the references in it to Anglicanism, one may add that

towards the great Church of England he always had a curious mixture of real appreciation and what might be called good-natured superiority. He saw—as Newman saw even in his Romanist days—how much of the religious life of England was committed to that Church. But for Anglicanism as a system (and as distinct from a home of piety and sacred learning) he had an undisguised disrespect.[1] He called it 'the worst-governed Church in the world.' An Episcopalian dignitary once said, meaning it as a compliment, that if they had had Dr. Rainy they 'would have made him Archbishop.' One can picture the Principal many things, but it is difficult to imagine that powerful man content to be swathed in the impressive impotence of an Anglican prelate, reduced to moving admirable abstract propositions in convocations and congresses and to inditing endlessly futile episcopal admonitions to some priestling who wants to be a law to himself about his clothes or candles during Divine Service, and who, in the end, can and probably will treat the directions of his father in God with deferential defiance. On the whole, I think Dr. Rainy was more interested in Romanism than in Anglicanism. It need hardly be said that he had a detestation—nothing less—of the Papal system as the enemy of the evangelical faith and of human freedom. But his mental interest—though no man was less either of an extremist or a

[1] The Anglicans who interested him were not the bishops of the English Church (whom he hardly regarded seriously as rulers), but her thinkers. One may mention that he had a special appreciation of F. J. A. Hort—and Hort's was the really intellectual and philosophical mind of the Cambridge triumvirate with which his name is associated—whose *Life and Letters* he read with great interest.

despot—was in what was thorough in doctrine and effective in operation.

As cognate to this subject, I may quote here from a letter giving his view—or rather, one part of his view—of the ministry. It is addressed to Dr. Salmond of Aberdeen, and was (I think) written in connection with the latter's contribution to the Conference on 'Priesthood and Sacrifice' held at Oxford in 1899 under the presidency of Dr. Sanday. The letter goes over various familiar points, but the following statement of the ministry as the proper organ of 'Church acts' has interest:—

'We hold the institution of the ministry. And those who hold office are, no doubt, so far distinguished from ordinary members. But not as priests (yet some of their functions may be such as priests also have discharged in their general character as ministers of religion): the New Testament ministers are to be pastors, examples, exhorters, teachers—also, in a ministerial way, rulers, to see Christ's order maintained. For these ends they have a certain amount of authority.

'It may be asked whether any functions are peculiarly and exclusively theirs, and on what ground are our practice of conferring ordination and the administration of sacraments. Some things must be ascribed to them by the nature of their office. They have a right to be heard, to be regarded with respect so long as they keep within their Master's rules, to preside and guide. For the rest, I am inclined to think that our ground must be that certain acts are acts of the collective Church as such. The consent, the desire and the presence of the Church ought to be in them. When then any church or congregation meets as such for any of these purposes, the pastor and office-bearers ought to have the place, whatever that is, which is suitable, and regard be had to the institution of a standing ministry. It is not that the minister, for his part, communicates a validity to the ordinance which otherwise would be lacking; but when the complete Church acts, it is seemly

she should act through her proper authorities. In the patriarchal times, if the head of the family sacrificed, it was not that a sacrifice could not be valid without him, but that his action was the seemly arrangement. The family felt it so: so also do congregations in the corresponding case. All prelatists own that baptism might be by a layman in case of need, yet the practice of administering by an ordained man is not interfered with. I am convinced that historically the functions which came to be appropriated to the bishop as competent to him alone were those in regard to which it was felt that the complete Church should take part in them, and in which also it was possible to have the presence and action of the chief pastor. He therefore took the action, and it came to be assumed that no one else could.'

Further on in this letter, Principal Rainy made the following reference to Apostolical Succession and the Anglican's staking of Church life upon it :—

'According to the Anglican theory, there is a Christian sacrifice for the offering of which validly, Christians are dependent on an order of priests. But more than that, they must be priests instituted to their function by a set of peculiarly qualified men.[1] One asks where the fitness lies of such an arrangement? It may be said, "To secure the efficacy of the sacra-

[1] This letter refers only to points upon which Dr. Salmond had written Principal Rainy, and thus it does not mention the popular argument of the Anglican theory—namely, that grace and authority for the ministry must come 'from above, not from below.' As this most fallacious use of a true principle is sure to occur to many readers, it may be referred to in this note. That all grace and authority must come 'from above' is scriptural and Christian Church doctrine, held by good Presbyterians as strongly as by any one else But it does not go one inch to prove that, therefore, they must come *vid* an episcopal order. 'From above' surely means from Christ, the Head and Life of the Church. But Christ is certainly among the company of His believing people. His presence is promised there and is often manifest there. Why, then, may grace and authority from Him not arise out of this company of the believing people in which He abides? So coming, they may be quite as much 'from above' as they would be coming through the instrument of an episcopate. The question thus resolves itself into an inquiry as to which is the instrument actually designated and used for the purpose by Christ. As to this, we can appeal confidently both to New Testament scholarship and evangelical history.

ment as a channel of grace." But why should grace be confined to channels which are not necessarily gracious? It may be said, then, "To secure the unity of the Church, that the Society may always be identified." But, apart from all other arguments, this end of the arrangement has failed. There are competing societies. And, as Newman said long ago, to suspend the (divinely intended) unity in the Apostolic succession is an Anglican extravagance. The Romanist relies on all the notes of the Churches and assumes that the Succession has been taken care of along with the rest.'

And at the end, he adds this about the recognition of Churches :—

'I recognise the Visible Church wherever visible believers are recognising one another in that character, owning the Christian ties and obligations, and giving themselves up with one another to observe Christ's rules and ordinances. I recognise therefore a Quaker meeting. But such a Church may be very imperfect. As a Church it has a right to more and a duty to have more than a Quaker meeting has. And it ought, in its formation and progress, to have regard not only to itself, but to its connection with the larger society of the Catholic Church and to the importance of maintaining its peace and unity.'

This last position about recognising a Church which was really of the Church of Christ and yet was very imperfect, Dr. Rainy both held and acted upon. To make some defect or imperfection—say in method of government or the ministry—ground for cutting a living Christian company thus imperfect off from the body of Christ altogether was, in his view, to break a unity otherwise, at worst, incomplete and was therefore, though often done in the name of Catholicity, the very act of schism.

It would, of course, be obviously unjust to take these brief extracts from a single address and letter as

giving Dr. Rainy's complete statement of his view of the Church and of the ministry. He was called on to act on these subjects rather than discuss them. But what has been quoted shows he had not neglected to think of them and had clear positions about the doctrine of the Church as well as a strong will in her practical government.

It is not out of connection with the subjects just referred to, and it leads to the subject of the next chapter, to mention here Dr. Rainy's attitude towards a movement for 'Christian Unity' started in Scotland in 1899 chiefly by the late Bishop Wilkinson of St. Andrews, the Primus of the Scottish Episcopal Church. Dr. Wilkinson—whose name is held in deep respect by many in England for his influence on St. Peter's, Eaton Square—gathered round him a number of representatives of different Churches and they issued an appeal on the subject of the divisions of Christendom. Principal Rainy, naturally, was invited to join in this movement, and he explains why he did not in the following letter addressed to the first of the signatories —Dr. Bannerman of Perth :—

'My dear Bannerman,—I ought sooner to have replied to your note with enclosure. I need hardly say that I should be very glad to meet with the excellent persons who sign along with you and listen to any views they might wish to put before me. But at present I am in this case. I have a rather prominent position and considerable responsibility in connection with another union proposal—a practical one—which is on the verge of being carried through. It does not seem to me advisable to seem to dangle (forgive the word) more wide and more indefinite union ideas before men at present. For I should have to explain what I meant and how much I meant, and so on. I do not wish to have this to do.'

This is quite intelligible in the circumstances. But in addition to this, Principal Rainy's deliberate attitude on the matter of union was against far-off ideas and for immediate duties. Bishop Wilkinson called, to urge him afresh to join the Christian Unity Society. Dr. Rainy mentioned to me that they had had prayer together and conversation, but he added, 'I did not see my way.' The following letter to some extent indicates his mind. It is a scribbled and unfinished draft and written at the back of it are the words 'not sent'; but I shall take the liberty of quoting it as it states Dr. Rainy's view of schemes of union, and of his line of duty in connection with them. It is as follows :—

'Dear Bishop Wilkinson,—Since you kindly called, I have thought a good deal over the paper you left with me. The result is that, as things stand, I do not see my way to sign it. I say this with regret, for I entirely believe in the Christian sincerity of the utterance which the paper embodies and [have] the greatest respect for those whose names are appended to it.

'It seems to me, however, that the object of the paper is to fix the mind of the various Christian communities on a general reunion of Christendom into one visible Church. Nothing indeed is proposed except earnest and believing prayer for this object. But I think that in proposing united prayer on a given day for the purpose throughout all the Churches, you hold up this object, in all its width, as claiming a primary place in the desires and efforts of all Christian people.

'I feel this rather tends to mislead. The better way seems to me for those who are nearest one another to see how their differences can best be dealt with. For, at present, not only the duty of union but also the duty of separation, with a view to truer union, must be kept in mind.'

This draft abruptly stops here, and it must not

be taken as a full and finally approved statement. But it indicates Dr. Rainy's mind about union in more than one respect. The last sentence, for example, is characteristic. Dr. Rainy was never in the least carried away by the idea merely of a big Church, either for Scotland or the Empire or Christendom. The interest of the purity and safety of the evangel was to him more than that of any ecclesiastical uniformity. Further, his somewhat curt 'I think this tends to mislead' is characteristic—though I repeat this is a draft and was meant doubtless to be more fully expressed. But Principal Rainy never seemed to trouble to do himself justice in saying much of the *postulate* of the rightness of Christian Unity. He never made orations about his catholicity of view. He never was loud in professions of universal charity. Constantly, one saw men far his inferiors both intellectually and spiritually, gain a certain credit with the public by speeches—often, doubtless, most earnest speeches—of this kind, which he seemed almost to wish to avoid. Dr. Rainy's whole temperament had that dignity, aloofness—if you will, pride—which, as the Greek tragedian phrases it, 'cared not to seem but to be the best.' In the matter of Christian unity, he carried this almost too far and let people think he was not so earnest about it as many who spoke much on the subject. Whereas, what is the fact? The fact is that he is the man in Scotland who *accomplished it*. To Dr. Rainy, in short, union was nothing more or less than that simple thing—duty. Therefore it is not a thing to be too much talked of, still less be made a manœuvre, and he had a really stern scorn for men

who used union as a stalking-horse to cover other ends. It is a thing regarding which all he cared for was the one point an earnest man asks about duty—how to do the next thing. Now the next thing, he always held, was 'for those who are nearest each other to see how their differences can be dealt with.' The result is that in this biography we have not a man holding up visions of unity nor even making speeches full of catholic sentiments. I would not be thought to refer slightingly to those whose relation to union has been of this character. I am merely pointing out that in Principal Rainy we have not that, because we have more than that. We have the one man in Scotland who has achieved union. The more one studies history, the more one perceives the class distinction—of course I am speaking of the world of affairs, not of thought—between those who speak of a thing, even most sincerely, and those who accomplish it. The historian hears many voices which in their day seemed very potent, and views many movements which once seemed likely to be worthy of the name of history; but he gradually becomes *blasé*, and he takes each figure up and says to it, in Montaigne's motto, *Fay ton faict et te cognoy*—'Do your deed and know yourself.' The one man in modern Scottish Church history who did the deed of Church Union was Principal Rainy.

It is to the most notable achievement of this which not only recent but all Scottish history affords that we now turn.

CHAPTER XXII

THE NEGOTIATIONS FOR UNION

THE proposal that negotiations with the view to union should be renewed between the Free Church of Scotland and the United Presbyterian Church did not come from Principal Rainy. That the project had never faded from his thoughts and prayers since the time when it was temporarily thwarted, is certain. But that painful experience of twenty years before made Dr. Rainy extremely careful as to how and when union should be re-attempted. For he felt in the strongest possible way, and said it repeatedly, that when it was attempted a second time, the attempt must at all costs be carried through. To lead the sister Church on the ice again and then again draw back was simply not to be thought of. It was for this reason that, knowing there still remained difficulties and risks in the matter, he would not stir it till he felt he had reason to believe that the Church was really ready to go through with it. This was, obviously, at once wise and honourable. Principal Rainy's caution about this was unmistakable. At times he disappointed warm aspirants after union with his declinature to speak on the subject. A greatly esteemed minister of the United Presbyterian Church, Dr. Andrew Thomson of Edinburgh, expressed in 1889 some hope

that early steps would be taken to promote the union, and referred to utterances of Free Church speakers as encouraging this hope. The Principal wrote him in the following kind but strictly non-committal terms :—

'DEAR DR. THOMSON,—I feel I can hardly let your touching reference to the Union question, reported in to-day's newspaper, pass without a word. I wish to thank you for your kind tone towards our Church and your cordial attitude towards union in the future. I have always felt and often said that your Church had something to complain of and something to forgive in connection with those past proceedings ; and I welcome exceedingly every proof that no estrangement of feeling on your part has been allowed to take place.

'You have expressed your hope that early steps are to be taken in the direction of incorporating union, and you have referred to recent utterances as warranting those hopes. As I, most likely, am one of those you refer to, I think it due to you to state the position I conceive myself to occupy.

'The suspension of action on the part of our Church in 1873 left us looking forward to union with your Church as the event hoped for in the future, though for the present set aside. I think it my duty—and a more pressing duty as years pass—to take opportunity for making it plain that we maintain that attitude, that we realise the evils of indefinite delay, and especially that we feel an obligation resting on the Free Church in the matter which concerns her public character.

'On the other hand (as I explained, I think, in my address to the Assembly of 1887), the interests involved in the question, and not least the interests and the dignity of your Church, require that the question should not be raised again as a question debated with a view to ecclesiastical decision until there is a strong prospect of the result being quickly and cordially attained. To give effect to this condition, one would desiderate a very full previous understanding among the friends of union as to time and circumstances ; and one would greatly value, I need hardly say, any prospect of removing or modifying the difficulties of those who formerly were hostile or indifferent.

I am convinced that the feeling in favour of union has grown greatly in strength in the Free Church. It advances under the influences of Christian principle and common sense. But beyond one or two public utterances, such as those you have referred to, I have done nothing to stir the question; and I am at this moment free from all obligations or understandings about it beyond those which have long been patent to the world. I do not say this from any unwillingness to bear or claim responsibility in the cause. But it would be wrong for me to take steps to commit my Church or any party in it to a definite movement regarding which there has not been adequate consultation and agreement.

'I shall rejoice if the years before us carry us all forward as rapidly as you anticipate. And I feel assured we may hope that God will graciously guide us so that we may deal worthily and well with interests so important to both the Churches.'

I quote this letter at length as an example of several which show how Principal Rainy, on this matter, was inclined to wait and to pray rather than to press and speak, feeling the responsibility of raising again a project which, once raised, could not again be allowed to fail.

What actually did revive the project and bring it again before the mind of the Church as something to be faced, cannot be stated in any too precise terms. No one man or thing did it. A true union is never promoted by a man or body of men declaring, 'Go to, let us effect a union of Churches.' The movement simply grows by an impalpable influence of feelings and forces that draw together. Two external things, however, deserve to be mentioned as contributing to this in the union movement now before us. One has been already mentioned—the marked cordiality shown by the delegates of the United Presbyterian Church

at the Jubilee Assembly of the Free Church in 1893. Dr. Kennedy, the United Presbyterian Moderator, declared, amid loud cheers, that he and his fellow delegates might have brought their whole Synod with them; Dr. Black, an esteemed Glasgow minister, explicitly said that 'should the Free Church at any time judge it expedient to resume the negotiations, no very serious hindrance would be found on the side of the United Presbyterian Church'; while, for the laity, Professor Crum Brown of Edinburgh University spoke of the 'personal affection' existing between the two Churches and looked forward to union with confidence. All this not only met with the most cordial response, but set men thinking and asking why the union should not be. The second external influence which forwarded the movement was the preparation of a joint Hymnal. This practical piece of co-operation, in which not only the Free and United Presbyterian but, after some hesitation, the Established Church also joined, was a distinct factor in helping union. The relation of the Established Church to this enterprise of a common Hymnal had a sequel which it will be necessary to refer to later, for it had its most distinct part in the accomplishment of the consolidation of the two other Churches.

Under the influences of circumstances such as these —as well as what Principal Rainy, in the letter quoted above, calls 'the influences of Christian principle and common sense'—it is not surprising that an overture on the subject appeared on the table of the Assembly of the Free Church in 1894. Principal Rainy moved (very much in the line of his letter to Dr. Andrew

Thomson) that the Assembly 'welcome' the idea, 'recognise the obligation lying on the Church' in the matter, and 'commend the subject to the interest and prayers of their people,' being 'persuaded that an extensive expression of sentiment from office-bearers and people is the best and most hopeful preparation for the subject being dealt with by the Church in a worthy and successful manner.' He made an interesting retrospective speech, recalling the old failure, which he said, very gravely, 'was a very serious blow to Christian union and Christian interests in Scotland, and they in this Church solely and only were responsible for it.' He added the remark that 'it was for himself, young as he was in those days, a very serious question whether they were taking a right step at all in suspending these negotiations even in spite of the amount of difference,' and he was convinced that all the struggles the Free Church had passed through since would have been 'greatly assuaged and altered if they had passed through them as a Church previously united with the United Presbyterian Church.' As to future possible action, Principal Rainy spoke with ripe practical wisdom. The thing must not be hurried: 'they were not going to make a rush to score a move as a part of calculated policy.' If it came, it must come from the heart of the Church. On the other hand, if and when negotiations did begin, 'they must come to an end speedily.' They would have no more ten years' disputing over thrashed-out topics of controversy. 'His own conviction was that when they did unite, they would unite at once upon their existing standards.' The whole speech was that of a man careful about

beginning this enterprise but quite clear about both the end and the means. The counter-motion took a form which was plausible in words but deceived no one. It proposed a committee to open negotiations for a more comprehensive union. 'This threefold union,' as it was generally called—that is a plan to unite the Established as well as the other two large Presbyterian Churches—was an idea promoted, as against a union between the Free and the United Presbyterian Churches, by the body called the Layman's League, of which mention has been made in a previous chapter and which was specially articulate in the Free Church because the secretary was a Free Church elder. Principal Rainy referred to the mover of this motion with courtesy and to the Established Church and her place in the Presbyterianism of the country with every friendliness. But the motion was 'not a practical proposal.' It was 'not business' to talk at present of negotiating for union with a Church 'continuing established and continuing to maintain the necessity of the Establishment.' And, not being business, the proposal necessarily operated 'as a diversion' from what is. Principal Rainy's motion was carried by the great majority of 423 votes to only 65 for the other. The idea of the union was now fairly raised once more.

The enemies of the Free Church in the secular press (one of the functions of which, as Dr. Rainy said, 'apparently is to show us the inwardness of things'), at once took the line that union is a great and noble thing, but *this* union was not to be supported because its motives were political and its aim merely to strengthen dissent against the Established Church.

This insinuation was studiously kept alive in some quarters all through the subsequent years of negotiation, and part of its working I shall have occasion to refer to presently. Meanwhile, the Christian mind of the Church, especially among the laity, began to press the matter forward. I believe the laymen of Dundee took the initiative; and they were followed by an influential meeting of elders in Glasgow, presided over by Lord Overtoun, the most prominent layman of the Church in the West of Scotland. The terms of the resolution adopted by this meeting may be quoted as expressing what really were the aims and motives of the movement :—

'As regards a union of the Free Church with, in the first instance, the United Presbyterian Church, the meeting is satisfied that, as the two Churches are essentially one in doctrine, worship and discipline, there is no barrier in principle to their being united on the basis of the standards common to both; and that such a union is not only desirable in itself, but would greatly facilitate the effecting of the further and more comprehensive union expected and desired, so soon as God in His providence may open the way for it.'

Overtures, too, began to be passed in Presbyteries and speeches made on various occasions, and by the time of the next Assembly the subject was fairly in the air. Dr. Ross Taylor of Glasgow—who from this time became one of the most ardent advocates of the cause—introduced and carried in his Presbytery an overture to the Assembly in favour of union, and took occasion warmly to repudiate the charge of political motive, which he could do effectively, for he was not a Gladstonian Liberal. He declared their ultimate aim

was 'the reconstruction of the Scottish Church,' and he only wished that the Established Church could and would join by 'one act of sacrifice which would do more for the real interests which a Church had to consult than a century of royal patronage.'

Principal Rainy was still very cautious. His motion in the Assembly of 1895 recognised the Church's obligation in the matter but proposed, in the meantime, co-operation—this suggestion to be sent to the United Presbyterian Church. He made a long and notably high-toned speech, and was seconded by Lord Overtoun. There were several amendments, of which it is enough to mention one by Mr. Archibald M'Neilage —an elder who was the effective speaker in what was left of the old constitutionalist party and a man with ability—who moved that the Assembly 'is constrained by adherence to the distinctive principles of the Free Church, and in view of the state of feeling in the country, to regard an incorporating union with the United Presbyterian Church as impossible without the sacrifice of these principles.' This—the first definite 'anti-union' motion—was seconded by Mr. Murdo Macaskill, a minister at Dingwall who had become very prominent as a leader of the Highland party in connection with the agitation against Professors Dods and Bruce over the Declaratory Act. Mr. M'Neilage's motion, put against one of the other amendments, received 42 votes; and in the end Principal Rainy's motion was carried, without recourse to the division lobbies, by what the newspapers describe as 'an overwhelming majority.'

The next step lay with the United Presbyterian

Church, and it was very distinctly taken. As has been said, Dr. Rainy's motion transmitted to that Church the proposal of the Free Church Assembly for co-operation. The United Presbyterian Synod—which met before the ensuing Assembly—took up the matter with purpose and courage. It 'declared anew, in terms of the Synod's unanimous resolution of 1873, its "readiness to enter into union with the Free Church,"' and its '"unabated desire for such union,"' and, while cordially agreeing to closer co-operation, still recorded 'its strong conviction that the religious necessities of the country and the situation of the two Churches point to the larger solution of an incorporating union as alone adequate,' and asked that any committee or conference should deal with this as well as the other. I am inclined to regard this motion in the United Presbyterian Synod of 1896 as the critical step in the whole movement. The circumstances connected with its being brought forward are worthy of mention. Many in the United Presbyterian Church were strongly of opinion that to stay longer merely at the stage of co-operation might really injure rather than advance union. It had its disadvantages in elaborating machinery, in causing often delay while one body consulted another, and even, arising out of this, occasional friction. The United Presbyterian Church was ready and waiting to pass from this stage. Some members of the Synod—among them Dr. Kennedy (the Clerk, and a man of greatly respected judgment), Professor Orr, Dr. John Young, and Dr. A. R. MacEwen—anxious to avoid any danger of a too carefully guarded official deliverance, drafted the

motion above indicated. Their action was justified, for, though amendments were suggested, on the one hand, by Principal Hutton (whose extreme voluntaryism made him apprehensive lest that point of view should be swamped in the united Church), and, on the other, by Professor Calderwood (whose political Unionism had gravitated him to the opposite direction), the motion was carried, as has been stated, unanimously. It was a notable step, all the more as the democratic traditions and methods of the United Presbyterian Synod, which never recognised official leaders as the Free Church Assembly was wont to do, freed it from any suggestion of having been officially manœuvred.

Principal Rainy was in Oxford when this took place. The news completely took him by surprise. He wrote to Dr. MacEwen that he was 'quite unprepared for it.' The Free Church had sent to the United Presbyterian Church a proposal for co-operation : the latter Church had replied explicitly inviting to union as, in its opinion, 'alone adequate.' This forced Dr. Rainy's hand, and that at a moment when there is good reason to believe he had graver anxiety than ever as to whether the Free Church should commit herself to this proposal which, once taken up again, must, at any risk, be honourably completed. This anxiety did not arise merely from such general difficulties as the elements in the Church of self-satisfied apathy or latent antipathy or complacent indolence or unheroic timidity which are always to be reckoned with when a question like this is presented to people. Disturbed slumberers will always make their moan. But there

were very special reasons for Dr. Rainy's anxieties at this time, and of these I shall mention two.

One was political: the other religious. There is no doubt that the unfriendly organs in the secular press and other influences had been not unsuccessful in fomenting party feeling over the question of the union. A single illustration of this will suffice. Early in the year with which we are now dealing, Principal Rainy called a meeting of Edinburgh laymen connected with the Free Church to confer on the subject. After some interchange of views, a motion approving of the union was moved. An amendment—for which a printed 'whip' was issued by the Layman's League—was moved, declaring for 'a comprehensive union' embracing the Established Church. Sir Thomas Clark—an influential elder and Liberal Unionist—moved the desirability of no step being at present taken, as a union with United Presbyterians might retard this 'threefold union.' The Layman's League amendment received small support, but Sir Thomas Clark's amendment received 108 votes, and the original motion 158. The significant and serious thing was that, with not more than one or two notable exceptions, all the supporters of this amendment belonged to one political party. This marked division of opinion — not so much the division as the character of it—caused Principal Rainy great disappointment and apprehension. This incident has, however, a sequel which I shall tell presently. The other cause for special anxiety as to whether the question of union should be again formally raised was of a very different kind but, for that reason, an even graver consideration. Never

since the sad days when their peace had been broken by the old anti-union war, had the Highlands been in a better condition than they were in 1896. The secession in 1892 over the Declaratory Act had relieved the Church, in part, of an element whose continuance within her made progress and improvement in any direction impossible in certain districts.[1] Moreover, the secession had now spent itself so far as numerical loss to the Free Church was concerned, and a movement of consolidation was following it. But better than that, a movement of marked spiritual quickening was being manifested in several quarters, and the religious state of the Highlands was more hopeful than it had ever been since, in 1881, Principal Rainy became Convener. It is not difficult to see how to a mind such as his—to the mind of any man who remembers the things for which the Church first exists—it was indeed a grave question to consider whether it was right to stir again a question which at least ran a great risk of reviving feelings that might blight this prospect of religious fruit. With these anxieties Principal Rainy came to the Assembly of 1896.

His speech at that Assembly revealed the weight that was on his mind. He confessed it at the outset in these touching words :—

'Sometimes, in presence of a situation like that, one felt a kind of longing, if it might be, that their gracious Lord would take the business out of their hands and dispose of it for them. But that was not His way. He put His powers into their hands. He called on them to deal with it on their

[1] In using this expression one is not, of course, insensible to the fact that among the secessionists were also conscientious persons to be regarded with respect.

own responsibility and on the lines of His presence and principles. They therefore must go forward, according to the light they received, and, let them hope, with fidelity, sincerity and humility.'

He went on to say that 'the days that had passed since the decision of the United Presbyterian Synod had been made known to him had been days of almost as anxious and earnest occupation of his mind with the consideration of this question as any days that he had ever spent in his life in connection with public questions.' Then he dwelt on the way this marked invitation to face the question of union had come. It was not a matter of devising on the part of those who might be supposed to lead the business of the Church. 'It came from the convictions of a great sister Church—a Church that had the best right to speak.' He made much of this, and at last said that 'the position they now found themselves in showed that forces of Providence were stronger than their own plans and intentions.' They were 'in the hands of Providence,' and they 'must deal with the subject.' Let them 'try so to deal with it as not to prejudice the beneficent education of them all which God was carrying on here in Scotland.'

This was, I think, one of the most significant and interesting moments in all Dr. Rainy's career. Here was a man—a most powerful man—called as he really believed by Providence to give up his own idea of what might most safely and wisely be done, and to go forth to a further enterprise where certainly were great risks and where (as he frankly said in this speech) was 'the possibility' that the result would be reached

'amid disaster.' He verily believed that an Authority higher than his own wisdom had, in all the circumstances, summoned him to this. And so he obeyed what Mr. Gladstone once spoke of as the 'great and high call to work by faith and not by sight.'[1] Certainly what had happened was, in one aspect of it, no more than that a body of men had passed an unexpected resolution, and—since they were fallible men—it was arguable that this resolution was premature, unwise, inconsiderate. The leadings of Providence have always one aspect that can be described in human terms like these. But they have another side. Whatever be their outward aspects, in the heart of them is God. A man who believes in God and prays to God discovers this and is sure of it. This was why Principal Rainy went on. It was an act not of policy but of obedience. One often felt about Dr. Rainy the note of the soldier. I remember a fine phrase of his about life: 'We must succeed as soldiers succeed.' Soldiers succeed, not by gaining honours and applause, nor, it may be, by gaining even victory. Their success is obedience to the call of duty. Their profession is 'the service.' Principal Rainy, even as the Church leader, was always the soldier in 'the service' of 'the good cause.' It is possible that some who read this will cavil at its insertion here. But in writing the biography of a believing man, I am not going to apologise for dealing with him as a believer, and that not merely in the secrecy of his soul but also in the conduct of his career.

It is, however, not only consistent with this faith, but really part of it, to use all human judgment; and

[1] Letter to Lord Acton. Morley's *Life of Gladstone*, iii. 457.

Principal Rainy's motion was a very careful one, not immediately accepting the invitation from the United Presbyterian Synod, but remitting it to the Committee to be fully considered and brought maturely before next Assembly, the whole Church being asked, meantime, ' to consider earnestly and prayerfully the serious stage which this question has now reached and the grave interests involved in it.' He said that trusted counsellors had pressed him not thus to delay another year. Dr. Ross Taylor (whose temperament was always optimistic) was disappointed, and Dr. Henderson, mentioned in an early chapter as the son-in-law of Dr. Candlish and now one of the Clerks of Assembly (whose swift mind was always some distance ahead of the ordinary man's), thought the delay of doubtful wisdom, because there was the danger of old prejudices being revived in the matter, and the sooner these were forestalled by the presentation of the definite duty of union and an appeal to higher motives the better. Dr. Rainy, however, while not denying this, was set on moving slowly. With characteristic fairness, he gave great consideration to ' the right to have notice given and time to think on the part of those who did not agree with him in regard to this question.' His motion was a signal success. It was seconded, amid great cheering, by Dr. William Ferguson of Kinmundy —a staunch Conservative in politics and, in old days, a prominent anti-unionist. Dr. Ferguson was one of the finest laymen in the Church, and his speech was worthy of his high and spiritual character. There was no amendment—a minister of the constitutionalist party making only a general statement as to their principles

—and Dr. Rainy's motion was agreed to amid much gratification.

Meanwhile—in the same week—something happened in the Established Assembly which must be mentioned, for, as I shall show, it had a direct effect on the whole question. In writing of the joint Hymnal, I said the story had a sequel. The sequel is this. The joint Hymnal (the Committee which drew it up contained representatives of the three Churches) was approved by the Free and the United Presbyterian Churches. But when it came up for approval to the Established Church Assembly, a somewhat remarkable debate occurred. Dr. John Macleod of Govan—who was the leader of what is popularly called the 'High Church party' in his Church [1]—moved its rejection. It is right to say clearly that he did this on the ground that he did not acknowledge the book satisfactory; in particular, he did not consider its sacramental hymns adequate or orthodox. This should be stated and of course accepted. At the same time, Dr. Story, who seconded Dr. Macleod and who was by this time distinctly the ablest man in his Church and Clerk of Assembly, took the ground that 'this finessing with dissenters' had more than anything else 'lowered Churchly feeling'; and it must be added that Dr. Macleod, on another occasion at this Assembly, made a speech in which, after referring

[1] Both in the English and the Scottish Established Church there are those who claim to be or are called 'High Churchmen,' but there can be no genuine High Churchmanship where there is submission to terms of erastianism. The Free Church was the genuine representative of High Churchism—of course a quite different thing from either mere ritualism or sacerdotalism—in the Scottish Church.

to Dr. Rainy as 'this unprincipled Principal,' and appealing to 'the younger men of the other Churches to free themselves from the sickly despotism of a single individual,' he, as regards the question of union, turned from 'a merely ecclesiastical conglomeration of dissent' to 'a National Church not so much Presbyterian as Reformed.' Dr. Macleod's motion to reject the Hymnal was carried by a considerable majority. This act of the Established Church and these speeches must be mentioned because it was these things that ended the danger of political cleavage in the Free Church by ending the idea of the threefold union which was the programme of the Layman's League. This is best illustrated by telling the sequel to the meeting of Edinburgh laymen which, as I have said, Principal Rainy called and which was almost equally divided over union and divided on political lines. That meeting adjourned. When it met again the above incident had taken place. The result was that every one but a mere handful felt that union, and even co-operation, with the Established Church could not again be brought forward. Sir Thomas Clark now went frankly in support of the union with the United Presbyterian Church, as did all who had previously voted with him. An amendment received only seven votes. That unfortunate blunder of the Established Church Assembly cleared the air for men of all parties as to what was at present practical in proposals of union. One must hasten to add the remarkable fact—which is justification for my calling the incident a 'blunder'—that the next year the Established Church reversed this decision and agreed to co-operate in the Hymnal.

Still the practical effect which its action in 1896 had on the situation in the Free Church was what has been indicated, and it is, as I have said, historically necessary to our narrative to tell it.[1]

The danger of political cleavage on the issue of a threefold union being thus much reduced, Principal Rainy's chief concern was the other cause of anxiety I mentioned—the Highlands. During this year he had a great deal of correspondence with leading 'constitutionalists' in the north, and more than one conference was arranged. It is evident from this correspondence, which is too much concerned with details to be quoted here, that there was a real desire on the part of the more reasonable and responsible ministers of that section in the north to avoid a new secession. The position of these men was undoubtedly not an easy one. There was an intransigeant section resolved to go any length and already beginning a repetition of the old campaign. The more moderate men to whom I have referred now began to reap the consequences of their own immoderate agitation against the Church of the south over the Declaratory Act and other matters. It was easy for the extremer party to point to men who had taken this line in the

[1] Having recalled all this, for the reason stated, I append the following words concerning Dr. John Macleod from a lecture on his work and teaching by the Rev. A. Wallace Williamson, D.D., of St. Cuthbert's, Edinburgh: 'No one questioned the greatness of his personality, the deep sincerity of his convictions, his intense spirituality, and his consuming desire to strengthen and develop the Church of which he was a Presbyter. . . . Mistakes in policy or action he may have shown: but they were the accidents of a career ever marked by noble and high aims.' On Dr. Macleod's death, Principal Rainy went rather out of his way to pay a tribute to his memory, but I have not been able to find any report of his words.

past, and who now were half inclined to fall in with the south over union, as backsliders. Moreover, in view of the old anti-union controversy, it was not to be expected that even those in the north who desired to find a way of accepting the union, could themselves be, or get their people to be, very enthusiastic over it. These things explain the very earnest desire of those constitutionalists who were turning to union that there should not be much public agitation of the question. Dr. Ross Taylor was inclined to encourage overtures from Presbyteries in favour of union; men such as Mr. Macaskill of Dingwall, who has been mentioned, and Mr. Murdo Mackenzie of Inverness, who was an esteemed and influential preacher—the two best known leaders in the north, and leaders of different sections not without a touch of rivalry between them—deprecated this. They knew it would stir up a counter-agitation which, whether it was successful or not, would put them in a tight place. They therefore counselled private conferences rather than public debate in Presbyteries and elsewhere. Mr. Lee, the Secretary of the Highland Committee, who made a tour of the north and interviewed many ministers, represented this strongly to Dr. Rainy. He writes in November 1896 :—

'It is clear that if the friends of union keep quiet and avoid overtures and discussions in our Presbyteries, we will not have a single overture against union before next Assembly, and you may be able to appoint your Committee for union negotiations without a division. I question if they can carry many Presbyteries against union should overturing become general, but the discussion in Presbyteries, etc., would unsettle our people and make it impossible for our old anti-union friends to be

satisfied in the Assembly without a discussion and a division. Our constitutionalist friends will not raise any question as to the mind of the Church not being expressed in any way during the year. I put that distinctly to Mackenzie. He greatly approves of trying in private conferences to arrive at such an understanding as to the basis of union as would make public controversy and discussion as far as possible unnecessary.'

This desire on the part of those Highland ministers to avoid public discussion is intelligible and can to a certain extent be sympathised with; but it may be questioned if yielding to it was altogether wise. For one thing, this damped interest in the south and gave not only plausibility but substance to the taunt of the hostile press that there was not enthusiasm about the union. But, more seriously, it meant that no attempt was made to take the Highland people into confidence and carry their minds to understand and approve of the union. Discussion might, as the letter just quoted says, 'unsettle'; but it would also educate. In the end this policy undoubtedly proved a costly one, and it is therefore right to record that it was out of deference to the earnest representations of Highland ministers that it was followed. Men who in the past had recklessly inflamed their people against the Church in the south, were simply (in many cases) afraid now to urge on these people the union policy of that Church. Principal Rainy's view of all this is expressed, somewhat undecidedly, in the following letter to Mr. Macaskill:—

'I understand and appreciate the motives which lead you to deprecate controversial agitation. It is quite true that

stirring of waters in public renders it difficult to refrain from some measure of discussion and perhaps of collision. At the same time it is so extremely natural, after last Assembly's action, to have overtures, that I confess as yet I hardly see a feasible way of avoiding it. But I have a great desire to respect all reasonable susceptibilities. Perhaps we may see a way through the difficulty. But, meanwhile, I wish to say that I think you, as well as we, should be considering how to make the best of what is certainly coming. We must in some shape compare ideas while there is yet time, if we are to avoid treading on one another's toes. It will not do to wait till currents form which will carry us away. We must be strong enough to grasp the situation firmly and reasonably.'

The policy of conference was as a matter of fact largely, if not exclusively, followed. Men from all districts came to consultation with the Committees, and the results were almost uniformly good. But the objections I mentioned a moment ago remain true: the Church as a whole was not awakened to any great enthusiasm, and the Highlands were not being prepared for 'what is certainly coming.' The former was not a serious matter—and indeed it is perhaps better to carry through a union under the strength of a conviction of Christian duty than under an emotional impulse which will soon exhaust itself. But the latter was serious, and I venture to think it is a just criticism to say that its seriousness was inadequately appreciated at the time even by Principal Rainy.

One event occurred during the year which helped to fan the sentiment of union. Sentiment requires to breathe a larger air than that of a committee room or private conference. The feeling of brotherhood

between the two Churches found expression on the occasion of the celebration, in 1897, of the Jubilee of the United Presbyterian Church, the two sections of which—the 'Secession' and the 'Relief'—had united in 1847. The delegates from the Free Church to this celebration (which was a most successful one, and I regret I cannot stay to describe it), included Principal Rainy and Dr. John M'Ewan. The presence of the latter was interesting and significant, for he was the same Rev. John M'Ewan who—the reader may have forgotten it—was named in our chapter on the thwarted union as a henchman of Dr. Begg's in that old controversy. He made an admirable and cordial speech in which he said that 'although he was now getting an old man he was beginning to cherish the expectation that he might live to see the day when he should be privileged to stand among them as a constituent member,' and concluded with the hope that the two Churches 'may still be more closely united, yea, rather, be made one.' Principal Rainy, who had been specially invited to speak on the subject of 'the relation and duty of the Presbyterian Free Churches to one another,' gave an address dealing directly with union. He spoke of the spiritual ties between the Free and the United Presbyterian Churches. They are kindred branches of one stem and that, not merely Presbyterian government, but 'the characteristic Christianity of Scotland.' He described the old times 'when there was little said about toleration, but when men were strong for finding out their duty and doing it at all costs.' The audience heard again the speaker who had, years before, championed the

character of Scottish conviction against Dean Stanley, as he went on :—

> 'They had their errors. They were guilty of extravagances that cost them dear. But I think one may reflect with tears almost in one's eyes upon that wonderful battle of the Scottish Church. I know of nothing like it—the courage of it, the sheer idealism of it, the wonderful trust in principle. The way in which generation after generation of men spent their bodies and their goods for those ideals was wonderful. We of the free Presbyterian Churches put in our claim to have a share in this inheritance of heroism, courage and self-sacrifice which belonged to Scottish Presbyterianism. Let us make good that claim.'

He went on to speak of the duty of Churches thus akin 'not to keep apart from one another.' He dealt with difficulties of various kinds, but 'the difficulties are growing less.' He declared that they had come to a position 'when it concerns us in the most serious manner that these union proposals should succeed.' He could not 'consent to contemplate anything else.' He referred to those who imputed to them ignoble motives of tactical ecclesiastical gain, and simply stated that he 'did not feel the temptation.' 'They were doing, according to their best light, a service which is called for to the Christianity of Scotland.' He did 'not care for the union unless Christ led them into it': he did 'not want it unless they could go forward in the spirit of prayer and referring the steps they took to their Master.' It was a noble and a frank union speech, and showed that Principal Rainy was committed to go on. The celebration of the United Presbyterian Jubilee in 1897 gave the cause of union a great impetus,

just as the celebration of the Free Church Jubilee in 1893 had inaugurated it.

The Assembly of 1897, meeting a month after, took the step. Principal Rainy moved that the Assembly respond to the representation of the United Presbyterian Synod of the previous year that only union was 'adequate'—a representation which the Free Church had claimed a year to weigh—by authorising its committee to negotiate on the practical questions that bear on incorporating union. He supported this in another of his serious and lofty speeches which I cannot, too frequently, find space to quote. An amendment by Mr. Macaskill to instruct the Committee to secure liberty for the members of the Church to strive as they may see occasion for the claim of the 'last clause of the Protest of 1843'—that is, to a restoration of the 'benefits' of establishment—was subsequently added with consent of all parties. A definite anti-union amendment received on a division 27 votes. There was no doubt as to the meaning of this result. The *Scotsman* said that 'the decision of the Assembly means there is going to be union,' and even scoffed a little unkindly at the opposition as 'reduced to 27, of whom history is likely to be silent.' But this recognition of an outward fact did not mean that the *Scotsman* was to be hoodwinked by Principal Rainy's talk about his innocence of motive of 'tactical advantage.' 'It is difficult to believe,' it added, 'that Disestablishment is not really at the bottom of this movement for union.'[1] It is right that the reader should be acquainted with this view, for, of course,

[1] *Scotsman*, 28th May 1897.

if it is true it sheds a light on those of whom it was asserted. On the other hand, if it is not true, it sheds a light on those by whom it was said so publicly and so persistently. The reader must judge. Meanwhile I shall—from many letters of congratulation to Dr. Rainy—quote one, the writer of which bears a name of peculiar honour in this matter. The Rev. David Cairns of Stitchel, the venerable brother of the loved Principal Cairns, wrote :—

'I would like to congratulate you on the happy issue of your labours, and more especially with most, I believe I may say all, of my United Presbyterian brethren, to thank you for your noble services in connection with the Union negotiations, which now seem so hopeful, and which will I trust, with God's helping, soon reach a happy termination. The debate and vote of this Assembly have settled the *fact* of union, and the practical details, though they will require much wisdom and mutual forbearance and brotherly co-operation, will settle themselves or be settled by the wise heads and warm hearts which are to be found in both the Churches. How much some of those who were dear to us and laboured much in this cause would have rejoiced had they been permitted to see this happy issue. They did not see it when on earth, but we can believe that they see it and rejoice in heaven.'

The thought contained in this last sentence must have awakened a tender response in Dr. Rainy's mind as he recalled how all the leading figures with whom he had worked and prayed in the former Committee on Union were now away.

Now that the two Churches had set their faces towards union, the two committees had frequent joint meetings which were of a most harmonious character. But there was one question which had special anxiety for the Free Church, and which had emerged just before

this stage. That was the legal question as to the property of the Church if an anti-union minority appealed against the union to the civil courts. The first to raise the question formally was Mr. Taylor Innes (the author of the standard work on *The Law of Creeds in Scotland*), who wrote a letter, which unfortunately is not discoverable, to Principal Rainy as early as March 1897. Principal Rainy, in communicating this letter to Dr. Ross Taylor, wrote :—

> 'I have always felt that at the present stage any legal consultations would inevitably be hypothetical and unsatisfactory, and I have rather deprecated them. But the matter will certainly weigh with many. And I feel that if our legal advisers see ground for thinking that in any case, in any probable form of union, serious legal risks are before us, I think they ought of themselves to give us their opinion and the grounds of it, and the range of matters to which they apprehend the risk to apply. I think of communicating with Guthrie.'

The 'Guthrie' referred to was Mr. C. J. Guthrie (now Lord Guthrie), who had been for fifteen years Procurator and legal adviser of the Church. Mr. Guthrie, who from the first had difficulties about the legal questions involved and indeed at no stage took the confident view which others did, had an informal consultation with Mr. J. B. Balfour, Q.C. (subsequently Lord Kinross, Lord President of the Court of Session), who, however, was not asked at this stage for a written or final opinion. I understand Mr. Balfour's view at that time remained very much what it was as expressed in the opinion he had many years before given to Dr. Begg—that is to say, he took a grave view of the risk to the Church's property attending a union—and it

must be noted that it was in face of this that Principal Rainy continued to move towards his object in committee and Church court. But the reader must suspend judgment upon this till he learns, on a later page, Mr. Balfour's subsequent and final opinion as well as that of other eminent counsel. Meanwhile let us understand clearly Dr. Rainy's general attitude to this whole legal question. He simply would not consent that in any question of their duty, Churches should be deterred from obeying their conscientious convictions or be unduly influenced by a legal opinion. The Church 'must act on her own view of her rights and duties' if she is to be worthy to be called the free servant of her Master. Legal experts could and should advise on what, in the event of the Church deeming this union her duty, were the legal risks, if any, and how these could be averted or minimised. But it was not theirs to lay down either the first or the final word in the determination of that duty. On this point, Dr. Rainy simply would not tolerate any other dictation than that of what the Church's conscience deemed to be right. On a future page we shall be able to judge of this more adequately so far as the present case is concerned, and meanwhile judgment on it should be suspended.

The committees of the two Churches began to discuss a scheme of union. Profiting from the experience of the previous negotiations, they constructed no elaborate programme of points of agreement or difference. The guiding principle now was that, wherever possible, each Church should receive the other as it found it and therefore neither give up anything.

Was this possible? 'The crux,' said Principal Rainy at almost the outset of the negotiations, 'will be the formula.' The formula, as the reader knows, is the term of subscription of the Church to its doctrinal standards. There was, of course, no kind of divergence as to the acceptance of the Bible as the 'supreme standard.' Both Churches, further, accepted the Confession of Faith; so there was no difficulty there. The United Presbyterian Church associated the Larger and Shorter Catechisms with the Confession, which the Free Church did not; but the former Church agreed that the Confession alone was sufficient, and the Catechisms were not given the position of standards in the United Church. The only possible point of difficulty was in what are sometimes, but rather objectionably, called the 'distinctive principles' of the Churches, particularly on the old vexed question of relation to the State. The adjustment of this — especially in view of the great legal conflict which arose after the Union—is worthy of the reader's attention.

It has been explained in a previous chapter[1] that, immediately after the Disruption, the Free Church drew up, with exceptional care, a question to be put to candidates for orders or office on this subject. This question committed its signatories to, and to no more than, the general principles of the Claim and Protest of 1842 and 1843 regarding the spirituality and freedom of the Church. That was all the Free Church ever demanded of her office-bearers on the subject. The United Presbyterians found they could accept that unreservedly. They on their part had never com-

[1] Vol. i. pp. 157-161.

mitted their office-bearers to 'voluntaryism' or to anything else incompatible with these general principles. In the basis of the union in 1847 between the 'Relief' and 'Secession' Churches, which together formed the United Presbyterian Church, is not a word going beyond them. Therefore what was done was simply this:—the Free Church question was adopted in its entirety with, first, a slightly shortened form of description of the documents referred to (this is only for convenience when the question is orally put to candidates, and the documents are cited in full in the preamble); and, secondly, the inclusion of the United Presbyterian basis of union of 1847, in which, as I have said, there is nothing a Free Churchman, even though he believed in Establishment, could not sign. I shall place in parallel columns the old Free Church question and the new United Free Church question, and the reader will be able to judge how far the former Church was departing from her principles in the matter:—

Free Church Question.

Do you believe that the Lord Jesus Christ as King and Head of the Church, has therein appointed a Government in the hands of Church officers, distinct from and not subordinate in its own province to, civil government, and that the civil magistrate does not possess jurisdiction or authoritative control over the regulation of the affairs of Christ's Church? And do you approve of the general principles embraced in the Claim, Declaration and Protest adopted

United Free Church Question.

Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a Government in the hands of Church officers, distinct from and not subordinate in its own province to, civil government, and that the civil magistrate does not possess jurisdiction and authoritative control over the regulation of the affairs of Christ's Church; and do you approve of the general principles with respect to the spirituality and freedom of the Church of

by the General Assembly of the Church of Scotland in 1842, and in the Protest of ministers and elders, commissioners from presbyteries to the General Assembly, read in presence of the Royal Commissioner on the 18th May 1843, as declaring the views which are sanctioned by the Word of God and the standards of the Church, with respect to the spirituality and freedom of the Church of Christ and her subjection to Him as her only Head and His Word as her only standard?

Christ, and her subjection to Him as her only Head, and to His Word as her only standard, embodied in the Claim of Right of 1842, the Protest of 1843, and the Basis of Union of 1847 as principles which are sanctioned by the Word of God and the subordinate standards of this Church?

This exhibits the precise amount of change upon the terms imposed by the Church of the Disruption made when she became the Church of the Union regarding the matter about which the uniting Churches were supposed most seriously to differ. The ' crux ' of the problem of Union proved simplicity itself.

The result may surprise the reader whose mind is habituated to the idea that the United Presbyterians were ' voluntaries,' while the old Free Church at least admitted the theory of establishment. This surprise can arise only in one who is not familiar with the actual facts of the case and who, in particular, has not appreciated the difference between the subscribed formula of a Scottish Church and what was called the ' testimony.' The non-established Scottish Churches were fond—a little too fond—of testifying. That is to say, they emitted declarations of various kinds as to the views they thought it well to emphasise in their circumstances. But the important and remarkable thing is, that they were very careful not to make these

testimonies binding principles to which they required their office-bearers to adhere. At the Disruption, Dr. Chalmers and others, and even the outgoing party as a whole, testified that they had a rightful claim to the privileges of the Established Church of Scotland; but when they came to fix the terms by which they and their successors were to be bound, they deliberately put in not a word of that. Similarly, the United Presbyterian often testified against all establishments and asserted voluntaryism in their Synod; but not a word of this is in their Basis of 1847. A Church is not bound by such testimonies; a minority in the Church may be all the time arguing against them. A Presbyterian Church is bound by its signed formulæ. And here, as shown above, the Free and the United Presbyterian Churches found themselves unreservedly at one.

This simple settlement of the question gave great relief to many minds. The homologation without any change whatever of the specially characteristic feature of the old Free Church formula of 1846—the clause expressing the distinctively Free Church position with regard to spiritual independence—seemed to make impossible any allegation that Free Church principle was being abandoned. From this point all but a handful of irreconcilable anti-unionists, involving with them a few men not so to be described but somewhat weakly led by such, were to be found in the minority.

In the Assembly of 1898, Principal Rainy brought up the committee's report dealing with this matter of the formula, and also sketching plans of union on other practical points of administration. A month earlier, the Synod of the United Presbyterian Church had met

and, on the motion of Professor Orr, seconded by Dr. Kennedy, had unanimously accepted a similar report from its committee. Principal Rainy was present when this was done, and at the request of the Moderator said a few words. He expressed his gratification and 'a sense of solemnity,' and spoke of the blessing to be looked for in the united Church, adding he by no means forgot 'the Church now established, to which they had many ties,' though he did not see the way to union there yet opened up. In the Free Church Assembly, Principal Rainy moved the adoption of the report and the remitting of it to Presbyteries for approval or otherwise and for suggestions. He said 'the time had come for taking definite responsibilities.' 'They could not make history without decision and without courage.' He went carefully over the sketch of union in the report, very specially emphasising the agreement on the matter of the formula above referred to. 'If they were to have a union at all, one did not see on what better terms it ever could be expected to come to pass.' In conclusion, he appealed to those who, for one reason or another, were inclined to hesitate about it, first 'not to call points principles,' and, secondly, to make the best of the union. His own attitude, however, was not such a tepid one; he was looking forward 'with great hope, great expectation and great longing.' He added :—

'I do not know if there is now another left of the old Union Committee. Anxiety on this subject has filled my whole public life. And, though I cannot expect to live long enough to see much, I hope to see enough in connection with the union to enable me to depart, when God shall call, blessing His name.'

Dr. Rainy never studied perorations, and after this personal appeal, he continued somewhat informally to speak of those who in face of a grave and great question concerning the religious welfare of Scotland in the future did not seem able to rise above the sort of feeling which said, 'Well, you know, I don't exactly like the United Presbyterians' or 'the Free Church people.' He said he 'felt his heart sinking with a sense of shame' at men being influenced by feelings like these in such a question as this—petty, parochial feelings. 'How,' he suddenly asked, 'would they look if they were produced in that character in a novel?' It was an effective way of dealing with one of the greatest, because one of the smallest, impediments to the union. Principal Rainy's motion was seconded by Professor Wood, of the University—a brilliant lawyer and faithful churchman.

The anti-unionists began with a protest, as Dr. Begg had been wont to do. Their amendment asked the Assembly to 'decline to travel further in the matter of an incorporating union between the two Churches.' The mover's reason of opposition was that 'what was distinctive in the testimony of the Free Church against voluntaryism' was left 'an open question.' This was to say that the anti-unionists claimed that 'the establishment principle' must be made part, not merely of a 'testimony' of the Free Church, which it certainly had been in one clause of the Claim of Right, but of its subscribed doctrine, which it never had been and which, in the formula of 1846, the Church had distinctly declined to make it. Principal Rainy, in his reply, referred very explicitly to this, and the point—in view of subsequent

developments—is so important that I may make it clear once more by quoting his words :—

'He quite acknowledged that in the Claim of Right, they claimed for the Church the benefits of Establishment along with freedom, and, if wrongously put out, asserted the right to reclaim them. Nobody ever disputed it. That being so, the Claim of Right remained one of their hereditary documents. But they were not bound to every word of their hereditary documents. That was a superstition. . . . The Claim of Right was never bound upon them. What was bound upon them was not even the general principles of the Claim of Right. Not at all. It was general principles upon a special subject. It was general principles upon spiritual independence and subjection to Christ alone and to His Word and will.'

Thus, as was contended in a most cogent speech by Dr. Henderson, it was not the unionists who were making a change ; it was the anti-unionists who wished to tie the Church down now to views which undoubtedly at the Disruption the majority held, but to which, as the black and white of the formula demonstrates, they did not bind the Church even then. The unionists stood by the standard adopted by the Church immediately after the Disruption : the anti-unionists would alter that by tightening its bonds. There was a long debate, and, on a division, Principal Rainy's motion received 486 votes and the amendment 41. A dissent was signed by some eight persons.

The writer must not be blamed that the record of these Assemblies and of the movement generally is a tame one, with no very striking or interesting features. The minority had not only no Begg, but—if one may say it without discourtesy—not a single man of

distinction in the Church who could lead their party. What the eye of an historian searches for is the figures of notable men—it is *men* that make history worth writing—and where these are lacking the story cannot but be dull. Certainly the discussions over this union are, except for the Principal's and a very few other speeches, poor reading in comparison with the old debates. All this, however, brings out the more clearly one feature of Dr. Rainy, and that was his scrupulous consideration and even generosity towards opponents whom he could overwhelm on a vote. Several in the minority bore testimony again and again to this, and declared that they could not have been treated with more fairness. It was a marked characteristic of Principal Rainy's leadership at all times and never more clearly than when, with a majority behind him of more than ten to one, he had to contend with a handful of anti-unionists. I shall have opportunity to quote from this testimony as the story goes on.

During the year following the Assembly of 1898, the plan of union—that is the method of the practical amalgamation of the funds and schemes and colleges and missions and all other operations of the two Churches—was successfully and harmoniously completed. Nothing could be more brotherly than the spirit shown in the committee, and there was no kind of disagreement in the report. The details of these arrangements need not be entered into here. The other matter which engrossed attention during this year was not completed. This was the terms of the formal Act of Union to be adopted by the Churches, and this, of course, involved the legal question of the due

protection of the property in the event of a lawsuit raised by the minority. These legal questions proved complicated and, involving as they did, on the part of the Free Church, consultations with eminent counsel, were not finished in time to report finally to the Assembly of 1899. That Assembly therefore was simply asked to pass the plan of union and to send it down to Presbyteries, the matter of the Uniting Act being held over for another year.

In connection with the possibility of legal action, an interesting point was meanwhile raised in the public press by a member of the minority, and it drew an important letter from Principal Rainy. In the *Scotsman* of March 27, 1899, the Rev. J. C. Robertson of Rayne, writing from the point of view of those who 'cannot with a good conscience go into the proposed United Church,' and yet 'cannot bring themselves to take legal steps to prevent the majority who wish this union from carrying it through,' asked 'what is to be the position of those men if union is carried through?' 'Are they to be deprived of their income and turned out of house and home?' It is, he said, 'a fair question,' whether provision will be made 'for the life interests of every Free Church minister who may refuse, on grounds of conscience, to enter the Church of the majority.' Principal Rainy did not reply publicly to this letter, but he wrote the following to Mr. Robertson next day:—

'I read your letter in the *Scotsman* yesterday, and ever since I have felt a strong impulse to write to you. In doing so I wish to reciprocate the spirit of your own letter.

'As to property, that and all connected with it was deliberately postponed until the mind of the Church should appear. Hence nothing has been said in that connection about those who in the end may not see their way to unite. And such separations are not willingly contemplated. You refer to a possible action at law with grave consequences in case there should be unwillingness on our part to meet you fairly. My views of the probable result of such an action are, I suppose, different from yours, but we agree in disliking it.

'I have always considered that in the case of ministers who in the end feel constrained to separate, but are willing to arrange amicably what can be so arranged, we should meet as brethren to effect an equitable adjustment of the claims to which your letter refers. I have not the right at this moment to speak for others, but I know no reason to doubt that this will be the general disposition.

'Will you allow me to say, however, that another matter is nearer my heart? I would rather the Church lost ten times the money than that we should lose the presence of men like yourself. I still persuade myself that some way can be found of making it possible for you to remain and to pursue the work you love among your brethren. Ought we not to try to find it?

'I have perhaps said enough. You will forgive me if I have said too much.'

Mr. Robertson replied to this in a letter in which (after remarking, 'The fact is, I lost my heart while attending your class, and have never been able to get it back again, and one result is that I have never been able to change my feelings about you, which is matter of surprise to some of my friends'), he goes on to say he would like to avoid the legal issue, but 'others are pressing it forward,' and to suggest that 'a public statement' as to what would be done towards those who do not enter the union would help to produce a better state of feeling. Such a 'public statement'

was made shortly after by Dr. Ross Taylor in a speech at Crieff on 4th April, when he said :—

'Another question raised was—How does the Free Church propose to act towards a minority who may be conscientiously opposed to this union? As to the Free Church generally, he could confidently predict that, if the supposed contingency should unhappily arise, every consideration of equity, and even of generosity, would have full play. As yet, it was true, the question had not been considered, for they were extremely reluctant to believe that any would hold back when the real character of the Union was clearly seen. When their constitutionalist friends saw that the Free Church went into the Union without abating a jot of what they accounted precious, they might expect them to welcome the opportunity of maintaining their principles within a wider sphere. But if this hope should not be realised, it would obviously be the plain duty of a Christian Church to respect conscientious convictions, and to meet as far as possible every interest involved.'

In the legal struggle which arose after the Union it was so often said that the majority had taken the attitude of simply casting out the minority without any consideration of what was due to them, that it is right the reader should see how unfounded any such imputation is. If that unhappy legal struggle had not at once been entered on by the minority, no impartial person will doubt that the promises of the letter and speech above quoted would have been fully made good—unless indeed both Dr. Rainy and Dr. Ross Taylor are to be regarded as false men.

At this stage we may turn to the consideration of another aspect of the question which has been already referred to, but the more careful discussion of which does not emerge till the year we have now reached.

This is the question of the legal risks to the property of the Church attendant on the proposed union and the legal opinions as to this which the Church obtained from the counsel who were consulted on it. The discussion of this question in these pages is matter of some delicacy and also difficulty. It must be explained that the opinions obtained on any subject from counsel are, of course, the property of the clients to whom they were given. The law agency of the Church has thus not considered itself at liberty to publish them or make them available to the writer. On the other hand, I cannot but deem it to be part of the duty of Principal Rainy's biographer to dispel the erroneous idea—to which the strict respect to the practice of treating opinions as confidential has, in this case, given rise—that he carried through the Union in the teeth of adverse preponderating legal advice. What follows is given on my own responsibility—both as to its source and its substance—and it is right to say that the legal authorities of the Church have no responsibility in connection with it. If there be any impropriety in its publication here, the writer accepts full responsibility.

Three leading opinions were given—from Mr. Asher, Q.C., M.P. (at the time Solicitor-General for Scotland), Mr. Haldane, Q.C., M.P. (then the leading counsel at the Bar of the House of Lords), and Mr. J. B. Balfour, Q.C., M.P. (subsequently, as has been already mentioned, Lord President of the Court of Session under the title of Lord Kinross). Mr. Asher's opinion, given on 14th March, was not favourable. I am not in a position to say precisely to what degree, for the simple reason that this opinion was not a written one. But,

certainly, he warned the Church there were grave risks. This, of course—there need be no hesitation in saying it—was Mr. Asher's way. The most resolute of pleaders in open court, he was always inclined in consultation to give his clients a dark view of their case. This makes the more interesting Mr. Asher's final words to those he was advising in this matter. His final words—as to the authenticity of which there is no question—were, 'What I say to you, gentlemen, is this: if you think that valuable results will be achieved by the Union for your Church and for religion, go on.' This, of course, was no part of his opinion as to the legal risk if an action were brought, but it is of interest in itself. Mr. Haldane's opinion, taken on 5th May 1899—a month or so after Mr. Asher's—was clearly and even emphatically in favour of the legality of the Union. On the question as a legal question, he had no kind of hesitation, and he held that any other view would be a failure on the part of the court to appreciate the facts it was called on to investigate. The only qualification accompanying this opinion was that, of course, so very large a question, involving as it did both historical and doctrinal predilections, could not be regarded as entirely one of judicial logic; and that, therefore, the issue, as distinct from the merits, was not a thing upon which it was possible to speak with absolutely confident prediction, for, after all, tribunals are human. Even as to this, however, Mr. Haldane was fully assured in his mind, that if anything went wrong in a subordinate court, the House of Lords would put that right. The third opinion—that of Mr. Balfour—was not given till the 2nd of August.

It was of peculiar interest, because, as the reader is aware, this was the Mr. Balfour whom Dr. Begg had consulted on the same subject more than twenty years before, and who also had given Mr. Guthrie a rather unfavourable view of the Union in 1897. Mr. Balfour now—it is one of the most interesting facts in the legal story—in a formal written opinion, reversed his view, explaining that further information had made him doubtful whether the issue regarding the establishment principle 'was quite correctly stated' in Dr. Begg's memorial to him. He gave a carefully reasoned fresh opinion, and its conclusion was as clear as Mr. Haldane's, though reached by a different and lower road. He advised explicitly that the facts of the case would not justify the civil courts' interference with the Union as a breach of trust in respect either to the general or the congregational property of the Free Church. The opinion is unhesitating, and as I have said, in view of his previous opinion, was of peculiar value.

The above opinions—Mr. Asher's, Mr. Haldane's, and Mr. Balfour's—were the leading opinions given. In view of this, I think the fair-minded reader will not contend that, in consummating the Union, Principal Rainy rashly disregarded legal caution as offered him by his legal advisers. At the same time, it is biographically important to repeat—it has already been said—that Dr. Rainy's whole attitude on this question was a refusal to permit it to determine the Church's duty. During these years, Dr. Rainy was in a difficult and responsible position, but one, at the same time, which raised an interesting problem.

He was resolved to keep before a Church which claimed to be free to do what seemed its Master's will, a clear unembarrassed question of Christian duty: on the other hand he—as a leader—had carefully to weigh the possible penalties. In short, the question of the Union was, in one aspect of it, what any real Free Churchman must regard as a question of principle: in another aspect, it involved a risk of serious pecuniary loss to the Church if a narrow view of the legal issue prevailed. The clashing of the call of spiritual duty and the consideration of temporal danger is the most interesting problem in the world, especially when seen in a nature at once so uncompromising about principle and also so sagacious about procedure, as Principal Rainy's.[1]

Even if the opinions of the counsel consulted had been largely unfavourable to the Union, Dr. Rainy—as several of his utterances show—would not therefore have abandoned it. But as they were so preponderatingly favourable, he had, of course, an easier mind in entering upon it in the Assembly of 1899. This Assembly was

[1] One matter connected with these legal questions may be mentioned, as it was naturally revived in the minds of many when the great legal disaster fell on the Union in 1904. It has been said that a private bill should have been got from Parliament to secure the property. It is clear that this would have been a very practical admission on the part of the Church that she had not the power to effect the Union, and thus not the right to act and live as a free self-governing organ—which would be, as Dr. Rainy said, 'contrary to our first principles.' But, apart from that, such a bill was not practicable. It could be carried through only with consent of parties, and such consent was not obtainable from the minority. And it would not have been right for Parliament to override their objection. Parliament will not, and (I will add) should not, legislate in a way which forecloses a legal claim. Alike then on grounds of ecclesiastical principle and on grounds of political practice, the proposal of a private bill was impossible.

asked (as has been said) to agree to the plan of union and send it down to Presbyteries under the Barrier Act, the instrument of the Uniting Act being reserved for a year. I need not quote at length from Dr. Rainy's speech. He declared this plan of union disclaimed not one of their Church's doctrines. His ordination vow bound him to the Confession, with certain known qualifications, and to general principles in the Claim of Right and Protest. Nothing of that was disclaimed. In particular, the principle of the religious duties of nations and rulers 'remained where it always had been—in the Confession.' As to establishment, 'it was an inference from that, but men might deny the propriety of the inference who did not question the general principle of the obligation.' After dealing with many points of detail, he referred to the possibility of separation. 'If it came to that, they must part as Christians,' but he evidently clung to the hope it might not be. In closing, he mentioned the legal risk, and his words should be quoted :—

'He had no disposition to create any false impression about it. There was division of opinion upon the likelihood in case of any legal proceedings. . . . He did not know that his opinion was worth much—and yet he did not know that laymen in law were disentitled to express their opinion—but for his part there did not seem to him to be a risk that would seriously affect him. They were all, however, entitled to keep their mind open on that subject. Presbyteries had the matter in their own hands, and they would have every opportunity of deciding on the matter. But what he must say now was that, supposing the risk were a great deal more than he supposed it to be or believed it to be, he would be just in the same position as that which he announced a little ago. If a Church was willing to be frightened, it would be frightened, and it

would deserve to be frightened. Being in fetters was always a disadvantage, a serious disadvantage, to a Church. But for a Church whose glory and claim were to be free, to accept fetters was suicidal. If there were any risk, the risk would be that they should be held in bondage by a dead hand and by expositions of their own principles contrary to their own minds. He said this frankly because he did not wish to be misunderstood on this question; but, for his part, he had no fear of losing their property, and he had no intention of throwing the property away so long as he could conserve it.'

The anti-union amendment—it should have been said that there was the customary anti-union protest at the beginning of the debate—proposed to decline to adopt or send down the plan of union as the 'proposals do not conserve the distinctive principles of the Church.' The notable feature of the debate was the frank adherence to the Union of Sheriff Jameson, who had been a pillar of the Layman's League—a body by this time discredited. Sheriff Jameson, who soon after became a judge in the Court of Session under the title of Lord Ardwall, referred thus to the legal question:—

'He was not going to give a legal opinion without a fee, but he would just sound this note of warning, that he thought it was very doubtful if a court of law would hold that a Church had forfeited its right to any part of its property by joining another Church with identical terms of belief and communion, and whose only important difference was on a point that was an open question in both Churches, and which, even although it had been treated in a very different way in their historical documents, yet was not anywhere in the documents of either Church made matter of legal obligation, either upon members or office-bearers.'

This statement (the last phrase of which should be

specially noted), coming from one not only of legal position, but of strong establishment tendencies, naturally created interest and satisfaction. Another notable speech came from Mr. Murdo Macaskill, the Highland leader whose name has been mentioned, who now also declared his acquiescence in the Union, and begged his brethren to avoid 'the disaster, spiritually and socially, that must result from another secession in the Highlands.' The vote was 565 to 38. There was the usual dissent, signed by fifteen persons. On a later day a suggestion was made by one of these dissentients that a specific declaration of the Church principles on the matters of spiritual freedom and national obligation would 'go a long way towards meeting difficulties and scruples felt in certain quarters.' Principal Rainy, as well as Dr. Ross Taylor and others, received this idea with great sympathy and, while it could not be dealt with at the moment, invited those to whom it applied to formulate their statement of the principles they wished to emphasise and let the Church say whether they admitted them coming into the Union claiming the right to hold these principles and to maintain them in the united Church. This matter will re-emerge.

After this Assembly, matters went on rapidly. The Uniting Act was prepared, and with it were subsequently associated certain declarations with which the two Churches entered into incorporating union. The Presbyteries meanwhile were, with not more than four exceptions, passing the plan of Union which had been sent down by the previous Assembly. The Assembly of 1900 opened with every prospect of, if not complete, at least nearly complete harmony. This

feeling was deepened by a letter which appeared in the press from Dr. Thomas Smith, whose name the reader may remember as a pamphleteer and debater on Dr. Begg's side in the old controversy, and who now—though admittedly reluctantly—acquiesced in the union. The opposition was reduced very low, and it was hoped even yet that might be partially overcome. Principal Rainy moved in the Assembly the adoption of the Uniting Act, which was to be sent down to Presbyteries and to be finally passed at a special Assembly to consummate the Union in October. His speech was full of thankfulness and of hope. He had a number of matters of detail to expound, among them the name of the united Church. He recalled how in his father's drawing-room, his mother once said to Dr. Chalmers, 'Dr. Chalmers, who was it that fixed on that excellent name for our Church—the Free Church of Scotland?' and Dr. Chalmers replied, 'Well, madam, I rather think I had something to do with it.' Certainly, Dr. Chalmers had a great deal to do with it, though I believe Hugh Miller had the same happy inspiration. Dr. Rainy also recalled how Dr. Robert Buchanan had, during the old Union negotiations, suggested 'The United Free Church' as the best name for the combination of the Free and the United Presbyterian Churches, and, said the Principal, 'I was accustomed to follow him in those days and haven't got over that feeling yet.' Thus easily and skilfully, what might have been a delicate question was settled almost in a word.[1] On the legal question,

[1] It may be mentioned that Mr. Asher was desirous, for legal reasons, that the name 'Free Church of Scotland' be retained *simpliciter*. Of this

Principal Rainy made some remarks which may be quoted, for they were at once characteristic of the man and crucial on the whole question of the Church's duty. He said he was not disposed to regulate his proceedings or recommend the Church to regulate her proceedings too strictly with regard to legal views, and went on :—

'The Church must not allow itself to be fettered in conscientiously seeking to carry out the will of its Master by too scrupulous and previous a regard to these questions—always doubtful questions—of risks to property. He did not undervalue the property which the goodness of God had given them ; yet he believed that their being a Free Church, not merely being called a Free Church but being a Free Church, depended upon their always realising that they were first of all a spiritual society with spiritual laws, spiritual aims, and spiritual obligations ; and while there was a prudential regard to property (which was natural to Scotsmen), he held that the Church should be always ready when any important privilege or duty came into view, to go forward under the conviction that God would take care of their property as well as other interests and could give them much more than they had. He for one refused to be fettered in connection with Christ's Church by what the lawyers might do about their property. The judges had a perfect right to decide as to whom property belonged. They did not doubt that. But they were not a mercantile company holding property for mercantile purposes. They were Christ's Church, in one branch of it.'

He then went on to say that on these grounds he was prepared, if it had been necessary, to call on the Assembly to be 'a little heroic' in this matter; but 'there was no occasion for heroism,' for after the

Dr. Rainy wrote : 'This is no use practically ; we must do what is reasonable as between two Churches, not what seems convenient for us. I sometimes wish lawyers were abolished. But the remedy might be worse than the disease.'

opinions they had got, he was only asking the Assembly to act according to the best advice obtainable which was no more than any man did in the conduct of his business. Principal Rainy closed with an earnest expression of his belief in the blessing of union and a hope that even yet some who were inclined to stay out would come in and share it. During the debate, and in part in response to this appeal, a declaration was submitted on behalf of a number of those who had scruples about the Union, and the Assembly, on Dr. Rainy's motion, received this to the gratification of its signatories. There was, however, an irreconcilable anti-union amendment as usual, in supporting which it may be noted that Mr. M'Neilage made the remark that, 'although on technical and legal grounds, those who were dissatisfied with the proposal could take the property with them, in his judgment it would not be right for them to do so and they would not be justified in the only Court where Christian men ought to take their case.' The subsequent action of the anti-unionists, including the speaker, was, as we shall see, a strange comment on these words. The vote was 586 for the Union and 29 against—a majority of no less than 557.[1]

The Union was now practically complete, for the passing of the Uniting Act by a vast majority of Presbyteries and its final adoption by the special Assembly to be held in October was, of course, a foregone conclusion. Preparations already began to be made for the consummation of the event. Its approach was officially intimated to Presbyterian Churches throughout the world, and they were invited to send

[1] In the previous year the numbers were 565 for and 38 against.

delegates, which with great cordiality they did. The communication to the Established Church of Scotland contained the sentence that ' on historical and national as well as on religious grounds, it will greatly gratify us if we can reckon on the fraternal interest on the part of the Established Church of Scotland,' and went on to say that ' it will be an additional satisfaction if ministers and elders commissioned to represent kindred Churches could favour us with their presence at the Union Assembly of October 31st.' Dr. Norman Macleod of Inverness, the Moderator of the Established Church Assembly, sent a courteous letter of goodwill in reply, but it was a disappointment that no one came officially to represent the Established Church at the Union.[1] In these circumstances, Dr. Cameron Lees of St. Giles' Cathedral was asked by Dr. Rainy, and with characteristic warmth and catholicity he replied that he was ' proud of the invitation ' and would ' accept it with the greatest pleasure.' Also, the Earl of Aberdeen, an elder of the Established Church, was

[1] It was afterwards explained by Dr. Norman Macleod, Dr. Scott and others that the communication received had not been supposed to mean an invitation to the Moderator or other official representative. Dr. Rainy therefore sent the terms of the letter to the press. As, on the other hand, Dr. Norman Macleod apparently expected that his letter would have been read at the Union celebrations and was disappointed that it was not, I gladly append its essential paragraph : ' Though I have no commission to represent the Church of Scotland, I feel certain that I express the sentiments of my brethren as well as my own, when I assure you of the interest and sympathy with which we regard this important step now in view, and our heartfelt prayer that it may conduce to the glory of God and to the true weal of the one Church of Christ in Scotland and throughout the world. We are thankful for the prospect it affords of an increased measure of Presbyterian unity, and it is our earnest hope that the blessing of Almighty God may rest upon it with fuller life and more extended usefulness in all that relates to the advancement of the Kingdom of our Lord and Saviour at home and abroad.'

asked and cordially accepted the invitation. Prominent men of other Reformed communions—such as Dr. Maclaren of Manchester (who, it will be remembered, had been a schoolfellow of Dr. Rainy's), Dr. Joseph Parker, and Principal Fairbairn—agreed to come. The occasion promised to be the happiest ecclesiastical event Scotland had witnessed for long, and as it drew near the tide of interest and enthusiasm visibly rose.

Meanwhile both parties—for it was sadly obvious that to the end there would be two parties—were making their last appeal to waverers in the Church. I find letters to Dr. Rainy telling of visits of anti-union deputations to various Highland districts, where they met with little success. The truth is the people were waiting upon the action of practically a few ministers, the most important of whom was one who has already been named—Mr. Murdo Mackenzie of Inverness. If he and those immediately associated with him had come into the Union, the anti-unionists even in the Highlands would have been a negligible quantity. Round the position of this group the last negotiations gathered. A whole budget in Principal Rainy's correspondence deals with it, but I cannot find space to enter into it here. The upshot was that Mr. Mackenzie brought up in his Presbytery of Inverness a declaration as to the Free Church, in entering the Union, adhering to her principles on the Headship of Christ over both the Church and nations as set forth in the Confession, the Claim and Protest, the Formula and certain specified Acts of Assembly. He asked that this be transmitted 'for the consideration of the October Commission,' and his Presbytery consented.

A good deal seemed to hang on it. Mr. Mackenzie wrote to a friend that 'it would satisfy the most of our party if granted, but the separation is inevitable if it is not granted.'[1] The business was a somewhat delicate one for Principal Rainy. He was truly desirous to meet Mr. Mackenzie—for his own sake, for he was a good man if not a strong man, as well as for the influence he would have over others. But to begin at the eleventh hour to underline some Acts of Assembly and leave out others could easily give reason for demanding a counter-declaration, and as a matter of fact Dr. Hutton, the stalwart United Presbyterian voluntary, became restive. On 18th September, Principal Rainy wrote to Mr. Mackenzie thus :—

'I have had it in my mind for some time to write to you, not that I would entangle you in any discussion, but that I should be sorry you should think me indifferent to your position and your anxieties. At all events, it is well to express friendly feeling, as that has happily existed so long between us, and to keep the door open for mutual understanding.

'I saw the terms of the declaration submitted by you to your Presbytery. I perfectly understand it as expressing what occurs as desirable and fitting to your own mind. At the same time, I take for granted you admit that in making a declaration, in the very special circumstances in which we now stand, various considerations must be kept in view which would not necessarily occur to you in considering your own view of things. I suppose, therefore, that I may take the terms used as bringing out what you desire in the fullest and plainest way, but not as excluding readjustment from other points of view. For the Commission, if it makes any declaration, must have regard to the whole Church and the Church's whole action in the terms it uses.

'Amid all the discomfort of contending views or terms,

[1] Quoted by the Rev. K. Moody Stuart of Moffat in a letter to Principal Rainy, 16th August 1900.

I feel well assured that we have been guided, and I humbly hope we shall still be. And I cannot but rejoice in thinking that the whole matter is to be practically closed so soon.'

Mr. Mackenzie's reply was :—

'Please accept my best thanks for your kind and considerate letter. I have taken no action either in public or private since I indicated to the Presbytery the line of action that commended itself to me. And I mean to continue the same attitude until I see how the declaration is disposed of. I must be altogether free in the exercise of my judgment, and at the same time seeking guidance and direction from the Lord.'

In these circumstances, Principal Rainy went as far to meet Mr. Mackenzie as any fair-minded judge will say he could. He proposed that the Commission should accept Mr. Mackenzie's declaration as it stands, merely prefacing to it the statement that the specification in it of certain Acts was 'without prejudice to Acts of Assembly not specified.' The draft of this was shown to Mr. M'Neilage by Dr. Ross Taylor, who reported the interview with him to Principal Rainy :—

'I had a long talk with M'Neilage to-day—perfectly frank and friendly on his part. He has placed himself in Mackenzie's hands. Our draft seemed to please him entirely. He considered it superior to Mackenzie's, but could say nothing for Mackenzie, and was in perplexity about the word *verbatim*.[1] However, he was in hope that the word was not to be taken literally, and I let him have a copy of our draft—which of course will go north to-night for inspection.

'I also showed it to John Young, the United Presbyterian Secretary, and he readily acquiesced, seeing nothing to stumble at on their side. Considering the terms on which you and Hutton are, it may be well to take him into confidence.'

It was thus, with very reasonable hopes of fruit, that

[1] Mr. Mackenzie was very insistent that his declaration should be accepted *verbatim*.

in the Commission Principal Rainy moved as has been above indicated. He remarked that, of course, the Commission could not change the basis of union (which was to be consummated within a week), and Mr. M'Neilage agreed that that was 'a self-evident proposition.' Mr. Mackenzie was not present and gave no sign till the Assembly, a week later, was actually passing the Act of Union. This sequel will be told in the next chapter.

The reader may wonder that I have given so much space to this matter, but, though small in itself, it really was the hinge upon which the better element in what remained of the anti-unionist party finally turned. How that element went eventually we shall see, as I have said, in the next chapter; but already the reader with knowledge of human nature might almost discern it. Behind these waverers—who even yet had not made up their minds on a great broad issue of public duty which had been before them for years—were men, intellectually perhaps, and certainly morally, their inferiors, who yet were stronger than they, because men who knew their own minds and knew what, in any case, they were going to do. There was certainly going to be a separation, and there was certainly going to be an appeal to the civil courts. With, on the one hand, men who were determined upon this and had neither scruple of conscience nor hesitation of opinion about it, and, on the other, men who were irresolute and, in face of a great practical decision to be made within a few days, still groped after salvation in the phrases of a declaration, it does not take a prophet to tell which in the end will prove the stronger.

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Photogravure by Annan & Co.

Principal Rainy

1900

CHAPTER XXIII

THE UNION: SECOND MODERATORSHIP

IT is interesting to observe the effect produced on the popular mind by the *fait accompli*. Men who are uninterested in ideas and sceptical of ideals and do nothing to lead them to realisation, can at least see things, and then they begin a little to appreciate the forces that brought these into actual existence. So long as the Union between the two Churches was merely being debated and negotiated, it was, in many quarters, belittled and even contemned as a small sectarian business. As the time approached when it was to become fact, such criticism largely ceased and even the secular mind of Scotland began to see that this was a real and also a great historical event which had wide issues both for the Church and the nation. It even began to see, through the miasma of years of misrepresentation and abuse, the stature of the man whose achievement pre-eminently it was.

The Union took place on Wednesday, 31st October 1900. On the previous day the Supreme Courts of the two Churches met, each in its own hall, to adopt the Uniting Act which had been approved by the Presbyteries of the two Churches. In the Synod of the United Presbyterian Church there was perfect unanimity. The report of the Union Committee was

accepted without a dissenting voice, and the whole Synod and audience rose and sang the Doxology. The Uniting Act was also adopted unanimously, and Principal Hutton led in a prayer of thanksgiving. The day's proceedings were worthy of the whole course of conduct which had been taken by the United Presbyterian Church since the question of union had been first formally raised in 1863—a course the harmony and dignity of which had never been marred, and the brotherly forbearance of which towards the sister Church nothing could surpass.

In the Assembly of the Free Church this entire harmony—this 'enviable unanimity' as Principal Rainy called it—could not be expected. It had long been apparent that a division and even a secession were inevitable, and a few days before the Assembly met, a statement was issued by the Free Church Defence Association, saying they had taken 'eminent legal opinion,' and would preserve the claim of those 'legally entitled to the Church's name, privileges and property.' When the business of the Union was called, the usual protest was made by the minority against the competency of the Assembly entertaining this Uniting Act 'in so far as the same may innovate upon or derogate from the constitution and the distinctive views of truth or matters of faith and doctrine adopted by this Church at its separation from the Establishment in 1843.' Thereafter a petition was presented at the bar complaining that the question had not been referred to the sessions and congregations of the Church and praying that this be still done. The petition was signed by five hundred elders—there were in all over

ten thousand elders in the Free Church—and professed to be supported by others than anti-unionists. A motion was moved, in view of this representation, ' to delay further proceedings.' Principal Rainy moved to the contrary. He pointed out how deliberately the Church had proceeded all through this matter, just to be assured that her people were with the movement. He detailed the steps that had been taken to inform sessions and congregations—all the steps which Presbyterianism could take. So far as the formal reference of questions to congregations was concerned, he was willing to consider any well-weighed and fitly introduced scheme for making that, if it was thought well to do so, part of their constitutional machinery. But to spring this proposal—which had never once been mooted in connection with any great Scottish Church question since the Reformation—at the last stage of this Union question was, on the part of the signatories who were not against union, ' delivering themselves into the hands of those whose real object and conscientious object was to wreck the Union.' On a vote Dr. Rainy's amendment was carried by an overwhelming majority.

The road was now clear, and the Principal rose to move the formal adoption by the Assembly of the Act of Union. He received an ovation, but it was characteristic of the man that he moved the accomplishment of almost the crowning act of his career in the simplest way—making no great oration over it, but contenting himself with a few almost entirely religious sentences. He hoped that a good many of those who had not seen their way to support the Union would make the best

of it and 'endeavour to disappoint their own fears.' He spoke of what he called their 'leading consideration,' which was 'what will be good for the religious life of Scotland.' He referred to the great and wide expression of sympathy and interest this step had awakened, not only in Scotland, but in many parts of the world, and, somewhat suddenly, he ended by saying :—

'We humbly think that we can trace the footsteps of a Divine Providence smoothing our way and leading us through various difficulties, in a manner we never shall forget and for which we daily thank and praise God. Some of us in that school have learned new lessons of faith and hope and patience. I believe with all my heart that God is with us.'

The unaffected humility and piety of the brief speech in this hour of achievement were felt by the whole Assembly. To his credit be it said, the mover of the anti-union amendment, which was very lengthy but, in the end, was a direct rejection of the Act of Union, refrained from entering into controversy and indeed uttered only two sentences. He was seconded by Mr M'Neilage, from whose speech I should, in this page, quote these words :—

'He wished to express unqualified gratitude to Principal Rainy for his uniform kindness and consideration as leader of a majority which might very well have crushed them out and given them no consideration whatever, so far as numbers were concerned. They had also to express gratitude for his efforts to understand their position, and, so far as was consistent with what he conceived to be his own duty to the Church he has led so long and so honourably, to secure for them also a place in the Church which comes into being on the morrow.'

Almost the only speaker was Mr. Murdo Mackenzie of Inverness. It will be recollected how, after endless

correspondence and trouble, a declaration had been forwarded by him and others ' for the consideration of the October Commission,' and how Dr. Rainy had induced that court to accept it with the view of facilitating the honourable adherence of these brethren to the Union. No indication had been given by Mr. Mackenzie that this was considered unsatisfactory, and when he rose, many hoped that the minister of most respected influence inclined to the anti-unionist minority would yet come into the Union. But Mr. Mackenzie declared that the acceptance of the declaration was ' nothing to them,' because of the preamble about other Acts than those it specified not being prejudiced, and also Dr. Rainy's speech meant ' it does not affect the basis of union.' Now, the basis of union, as the reader knows, had been sent down by last Assembly to all the Presbyteries and had passed through them: how could any man, how could at least any Presbyterian, possibly imagine that its adoption by a Commission, even though there had been no preamble and no speech by Dr. Rainy, could change that basis ? Mr. Mackenzie's statement produced a painful effect. Principal Rainy rose the moment the other sat down. He spoke exactly three minutes, but it was the most overwhelming utterance the Assembly had ever heard from his lips. He spoke as a man who felt not only disappointed, but more than disappointed. I would suggest nothing unworthy on the part of Mr. Mackenzie and those more intimately associated with him ; but they had drifted or had been, by stronger men, driven into a position which, not in intention on their part but still in fact and in effect, was nothing else than

a misleading of the Church. Mr. Mackenzie had himself brought up the declaration, and he had written with his own hand that 'it would satisfy the most of our party, if granted'; to say now it had not been granted, because it did not alter the basis of union—a thing impossible and inconceivable and which an associate in his own party declared it was 'self-evident' could not be done—was something difficult to characterise. Speaking without a trace of irritation—a noble man is not irritated, but he can be grieved—Principal Rainy in slow, pained tones which made every word fall, not like a blow, for they had nothing of angry violence, but like a judgment, recounted the facts. 'Could any one,' he then asked, 'persuade himself that such an extraordinary conception can have been the original conception?' He asked again, 'Can any one believe that?' and not a word broke the strained silence. 'I do regret,' he concluded, 'beyond what I can describe, and will regret to my dying day, that a man who could have been so helpful has appeared in the light in which he has placed himself.' The bare words of this speech give no impression of its overawing effect. Not a sound was heard either of applause or protest. Neither Mr. Mackenzie nor any one else rose to reply. No one even continued the debate on the Union. The incident is one which, for obvious reasons, I should gladly have omitted, but it could not be omitted, for it was a revelation of a new element in Dr. Rainy. At last the Clerk broke the silence by asking if the House was prepared to vote. The division showed that 643 had voted for the Union and 27 against. A protest was read by the minority. Dr.

Murray Mitchell—the senior minister of the Church—offered prayer. Various formal motions were moved, and against each of them the small minority made their protest. Just before the close, one of them read a final declaration—signed by five ministers and three elders—asserting their right, notwithstanding all forms of dissolution or adjournment, to continue the session of the Free Church General Assembly. After the Benediction had been pronounced, they proceeded to hold a meeting in an adjoining room where, amid considerable interruption, they elected a Moderator and declared themselves the Assembly of the Free Church. All these things could not but be distracting and painful, but they could not obscure, in the minds of the mass of the Assembly, the greatness of the step that had been taken or cloud the expectancy with which the consummation on the morrow was awaited.

Next day—31st October 1900—was the day of Union. The members of the Supreme Courts of the two Churches, assembling in their respective halls, proceeded in processional order, each headed by its Moderator—Dr. Ross Taylor being Moderator of the one and Dr. Alexander Mair of the other—till the two streams met near the foot of the Mound. The Moderators saluted each other. The processions combined, two of one Church walking with two of the other, and thus continued along Princes Street to the Waverley Market where, as no hall in Edinburgh was capable of containing the assemblage, the first Assembly of the United Free Church of Scotland was to meet. It was a damp, drizzling morning, but crowds lined the streets, and cheers and the waving of handkerchiefs

greeted the procession ; while those who mark or make omens declared that the rain ceased just as the Moderators met. Principal Rainy, it may be mentioned, was late, and only managed to join the procession near the end by pressing through the crowd with the aid of a policeman and getting underneath the barricade.

Within the Waverley Market, which is a vast bare enclosure, a temporary hall had been erected with remarkable skill and success. In the galleries—round the walls of which hung Covenanting flags and other symbols of the history of the Scottish Church—was a crowded audience, some of whom had come hours before the time of the arrival of the procession. The area was empty, but, shortly after eleven, the great stream of members began to flow in, and soon every part of the vast hall was occupied—the whole assemblage numbering nearly seven thousand persons. On the platform were representatives of evangelical Churches from many lands. Shortly after the proceedings opened, Lord Rosebery, who can always appreciate the historically significant in public events, came in. It was a gathering such as ecclesiastical Scotland had never seen before. Dr. Rainy was not visible. He was in the side room, waiting the call to be the first Moderator of the united Church.

The vast assemblage sang the 133rd Psalm :—

> ' Behold, how good a thing it is,
> And how becoming well,
> Together such as brethren are
> In unity to dwell ! '

The Courts of the two Churches were thereafter

formally constituted. The Uniting Act was moved by the oldest minister of the Free Church—Dr. Murray Mitchell—and seconded by the oldest minister of the United Presbyterian Church—Dr. Henderson of Paisley. The whole Assembly and Synod agreed to it by a standing vote. Then Dr. Ross Taylor, in the solemn silence which ensued, said: 'In the presence of our Divine King and Head, the King and Head of the Church, and with the concurrence of my brother Moderator, I declare the Act of Union finally adopted—that the Free Church of Scotland and the United Presbyterian Church are now one in Christ Jesus, under the designation of the United Free Church of Scotland.' Again a great voice of praise arose in the words of the 72nd Psalm :—

'Now blessed be the Lord our God,
The God of Israel,
For He alone doth wondrous works,
In glory that excel.
And blessed be His glorious name
To all eternity:
The whole earth let His glory fill.
Amen, so let it be.'

The Moderators—the assemblage still standing and silent—turned to one another and greeted one another as follows :—

Dr. Ross Taylor.—It is now my high privilege, in the name of the Free Church of Scotland, to offer you, honoured brother, as Moderator of the United Presbyterian Synod, the right hand of fellowship in token of the happy Union now formed between the two Churches.

Dr. Mair.—And I have the equally high privilege, in the name of the United Presbyterian Church, of offering you,

honoured brother and Moderator of the General Assembly of the Free Church of Scotland, the right hand of fellowship in token of the Union now happily consummated between our Churches.

Dr. Ross Taylor.—May the Three-one God, the Father, Son, and Holy Spirit, richly bless the United Free Church of Scotland.

Dr. Mair.—And make her a blessing to Scotland and to the world and a glory to her Lord and King.

Dr. Ross Taylor.—Amen.

Dr. Mair.—And Amen.

The Moderators and Clerks then signed the Uniting Act, and the feelings of the vast audience found relief in prolonged cheering.

Only one man had ever been thought of as the Moderator. His name — proposed by Dr. Mair and seconded, in the absence of the Earl of Moray, by Lord Overtoun—was received with acclamation. Dr. Ross Taylor welcomed him to the Chair, 'one who,' he said, 'had so wisely fought and so earnestly laboured and so devoutly prayed to bring about the result we to-day witness.' The new Moderator had an overwhelming reception. One has often heard the full-throated roar with which a political assemblage greets a party leader; but there was a far deeper note here. It was, without exception, the most impressive reception the present writer ever witnessed a man receive—even including Gladstone in the old Midlothian days.

Principal Rainy's address was worthy of the occasion. He began with simple words of thankfulness:—

'Fathers and brethren, I thank you with all my heart for the honour you have conferred upon me in calling me to the chair of this Union Assembly. It is no small privilege to be so associated with the proceedings of this auspicious day. To-

day we see many hopes crowned, many prayers answered; and we stand at the portal of a future which we humbly beseech our King and Head to render great and good. Our hearts are full of praise and prayer; and we humbly offer ourselves to be consecrated of new to the glory of Him whose we are and Whom we serve. We join together for His service. The Lord accept it and bless it!'

Then he spoke of the occasion of the day in these words:—

'I reckon this to be a great day for Scotland and for Presbyterianism; and I trust it may prove helpful in its influence even beyond Scotland and beyond Presbyterianism. It is interesting to feel, as I do, that I have seen the last of the great rendings which were necessary in order to assert supremacy of conscience and achieve the liberty of the Church, and that now participate in so great a movement towards a reconstruction of our Presbyterianism. Into two Churches now united there flowed together various streams of Scottish Church life, each, with whatever failings, exhibiting a history of notable fidelity, patience, and sacrifice; each reproducing in its own way the features of our Reformation Christianity, and each maintaining substantially the same ideal of the divine life in human souls. All of them originated in some notable exercise of heart and mind over truths of God's Word and events in God's providence. And all had found, sooner or later, that the truths they cherished and the ends they sought could be better served by enlarged fellowship than by solicitous separation. So they came together. Now the two greater streams have joined.'

After speaking of the two Churches thus united and of their share in the common inheritance of the reformed historic Scottish Church, he turned to speak of the Established Church and of their feelings towards her. He said:—

'But when this is said, it is impossible to be silent as to the great Church which is recognised by law as the Church of

Scotland, and which *de facto* fills so great a place among us by its numbers and by its activities. There is the less need to be afraid to speak, because the temptations to antipathies and exasperations have so largely passed away, or, if in any respect they exist, are such as may be easily surmounted by Christian minds. Ascribing to our friends the same conscientiousness in holding their present position which we claim for ourselves in holding ours, we must still say that, as is well known, the legal position which they hold does not appeal to our minds. But in respect of their share in the doctrinal and constitutional features of Scottish Presbyterianism, in respect of the mass of our fellow-countrymen who find their religious home under their roof, in respect of their practical articulation with Scottish life in its various strata, in respect of their evangelistic activity at home and in the mission field, and in respect of the social ties everywhere existing between their members and ours, we do emphatically own the great share they have in the inheritance which we also prize so much, and we own that without them we cannot be made perfect. Out of this union will come, I trust, in the end, though I do not know how it is to come, yet come I trust it will, a larger Presbyterianism for Scotland, devoted to the advancement of our Lord's kingdom, very friendly I hope to the civil authority, very serviceable to the welfare of the nation, but free from the temptations and the risks of a statutory connection with the State. I do not hide from myself how strong the sentiments are which oppose themselves to this solution. I remember Principal Tulloch[1] saying to me once emphatically, "Do not mistake me; it is not with me a question of teinds; I am a Church and State man." Well, we are all of us in higher hands. Meanwhile I have stated what is both my steadfast expectation and my ardent desire.'

He went on—after a reference to other and smaller Churches in Scotland—to speak of why this Union was

[1] On this mention of Tulloch, Dr. Rainy added emphatically, 'and I name him with the greatest respect.' The words do not appear in the published address, doubtless because they were not in the speaker's MS. But that they were a spontaneous insertion at the moment testifies all the more to their sincerity.

brought about, elaborating the substantial agreement of the two uniting Churches, even with regard to the principle of the Headship of Christ over nations as well as Churches. He claimed that they entered the Union 'preserving everything which our predecessors of the Free Church reckoned proper to be binding.' But, even if it had not been so, he repelled the idea as 'monstrous' that then they would have been bound so that they could not do the duty Providence laid on them. The following passage roused the great assemblage to a thunderous wave of cheering :—

'The Church, either in adopting or in modifying the statements of its principles, ought to proceed carefully, temperately, slowly. But some of us never will consent to hold office in a Church that allows itself to be deprived of the right to interpret the mind of our Head on spiritual subjects, so as to meet the wants of our own day and generation. The only authentic Free Church tradition on the subject is the right of the Church to determine its own constitution, its own principles, its own doctrines. That may be a weighty responsibility ; but the power to deal with it is inherent in the Church, and it belongs to the Church alone. It is mere erastianism to deny it. We take our stand on the liberty and the responsibilities of the Church as the Church of Christ.'

The remaining portion of the address does not call for quotation here. It was taken up with wise exhortation on the work before the Church—her own support, her influence without, her care of the young, her sympathy for the poor, and her mission all over the world to the heathen. As regards social conditions, he said that the Church as such is not to make herself 'liable for political theories of redress,' but he added :—

'But at least the Church ought to be the nursery of justice

and love, it ought to be the fertile mother of patriotic, thoughtful, and earnest men, who will work with the knowledge and the foresight without which good intentions often prove disastrous.'

He closed by reverting again to what was of simple religion, with these words :—

'Surely we ought to take this step with the liveliest expectancy. If we have been aiming at private and worldly ends, let us hope that we shall be disappointed. I pray that we may be. But if we have been aiming at the furtherance of the kingdom of God, why should we not have the liveliest expectations ? One great reason why we do not expect much is that we do not desire very much. If we did intensely desire we should not be so easily contented without receiving. Let us hope continually. We have been brought to this point remarkably ; why should the Church of Christ stint her expectations ? Without this gracious disposition we cannot thrive. Not earnestness, not diligence, nor sacrifices will supply the place of it. The whole New Testament is full of hope, as a disposition without which prosperity and progress are not to be expected. The very God of Hope fill us with all joy and peace in believing that we may abound in hope through the power of the Holy Ghost ! '

The whole Assembly—it lasted only two days—sustained a notable elevation. The various speakers included men such as Dr. Cameron Lees, Dr. Parker, Dr. John Watson ('Ian Maclaren'), Principal Fairbairn, and Dr. Maclaren, as well as Lord Aberdeen, Lord Kinnaird, and other laymen, with, of course, leading ministers and elders belonging to the United Free Church. No sentiment was received with louder applause than the remark of Dr. John Watson that 'many will pray that, as one division has been taken down, so another will be removed by hands working on both sides of the wall' ; and no one met a greater

welcome than Dr. Cameron Lees, who said he ' wished most earnestly that the Church to which he belonged had seen its way to send a deputation to this Assembly,' but who himself spoke with a liberality and a sincerity that perhaps did more than a more formal official utterance could have done. The days were, of course, days of honour for Principal Rainy, both as Moderator of the Assembly and as the maker of the Union, and nearly every speaker paid him his tribute. He was indeed the subject of laudation and congratulation from opponents as well as friends, and even the *Scotsman* now spoke of the Union as an event that ' was to be desired and ought to be welcomed,' and of the admiration compelled by ' the extraordinary skill and ability of Principal Rainy.'[1] But I am very sure the following letter from his sister, Miss Christina Rainy, touched a deeper place in the Principal's heart than any public praise :—

' My dear Robert,—You may be sure it was with a full heart that I witnessed your reception yesterday and listened to your address. Let me wish you joy on the accomplishment of the great object of so many labours and prayers handed down to you by those great men who desired to see it and were not permitted, and which you have had so great a share in bringing about. Also on the spirit that prevailed on every side, and which seems to augur future success in dealing with the various adjustments that have still to be made.

' I had a strange feeling of being the sole representative of the past generation of our family, and that I should in some way convey to you the congratulations of our father and mother, of George and Jane, of Aunt Brown and Aunt Balfour and others, who, if they do not know of this event now, will know of it hereafter.

[1] *Scotsman*, October 31, 1900.

'We had in regular course at prayers to-day, the 54th of Isaiah, containing Carey's famous text, "Enlarge the place of thy tent," etc., and ending with, "No weapon that is formed against thee shall prosper, and every tongue that shall rise against thee in judgment, thou shalt condemn; this is the heritage of the servants of the Lord, and their righteousness is of me, saith the Lord."—Yours most affectionately,

'C. RAINY.'

Principal Rainy, it need not be said, made an ideal president for the various ceremonial duties of the historic Assembly, but his only further occasion for formal speech was his closing address. This was very brief. After some fitting acknowledgment of the Church's indebtedness to the delegates and to others, he made this reference to himself:—

'Allow me so far to trespass, as to express my grateful sense of much kindly feeling shown to myself. I suppose I fall heir to much goodwill that would have greeted the company who laboured for union thirty years ago, had their barque then reached the shore. It concentrates now round the solitary survivor. I know better than to agree with those generous opinions that have been expressed. Nevertheless, I am glad if in any measure I approach to the state of Mordecai the Jew, who in his old age was accepted of the multitude of his brethren.'

The remainder of the address was purely religious. It dwelt on 'the wonder' of the revelation in Christ. 'Too often we preach and believe every word even of it, and are pleased with what we say—too well, perhaps—but we are not astonished at it in our own minds.' 'That amazing coming down of Heaven to earth—its reality, for it is true—its worth, for it is good—can fill us with wonder and gladness beyond what we have attained.' This was a note which those who knew him

were observing to be a growingly prominent thought in Dr. Rainy's spiritual experience.

The Moderator's hour of public congratulation did not end with the close of the Assembly. On the following day, the New College celebrated its jubilee, and the occasion had been made one of special honour for the Principal by a considerable extension of the buildings and, in particular, the opening of a fine dining-hall for the College which, it was agreed, should bear his name, and also by a public dinner at which he was the guest. The College festival was begun by divine service in the High Church, which is part of the New College buildings and of which, it will be remembered, Dr. Rainy had been minister nearly fifty years before. The service was attended by the Lord Provost and Magistrates of the city, by many of the distinguished delegates to the Union Assembly, and by representatives of the University of Edinburgh and other colleges. The Rev. Dr. Oswald Dykes, Principal of Westminster College, Cambridge—and 'to the core a New College man,' as he described himself later—preached. Then an adjournment was made to the new 'Rainy Hall'—a spacious and splendidly decorated apartment with a new portrait of the Principal as its central feature. There another large and distinguished company assembled. There were several excellent speeches, but the speech of the occasion was made by Professor Masson—the venerated teacher of English Literature in the University—who in his youth had been caught in the enthusiasm of the Disruption, though, as he said, since then 'his own wanderings had been in a wilderness largely non-theological.' Masson was a

true and generous soul,[1] and he had a great reception. He paid this striking tribute to Principal Rainy :—

'One man recently, pre-eminently had distinguished himself among the makers of recent Scottish history. No man could be pointed to now over Scotland, who, by the unanimous vote and apprehension and pride, he might say, of Scotland, had constituted himself so distinctly the national functionary as Dr. Rainy.'

The banquet was held in the evening, and a brilliant gathering met to do Principal Rainy honour. His health was proposed by Dr. Walter Ross Taylor in a speech of characteristic felicity. The following is part of his reply :—

'I am almost overwhelmed by the kindness and the generous esteem of myself and my services that are being showered upon me. I dare say you will understand that, as I receive them, many of them came to me with a rebuke. I see what you would gladly, in your kindness, think me to be, and I make many applications of the lesson. It gives me a kind of new reading of the text, "Let the righteous smite me ; it shall be a kindness." It certainly does not break the head. But when I compare myself with what my friends are saying—and since they are saying it, no doubt they think it—well, I need not go further, I have my own thoughts about all that. But I should be the most ungrateful man alive if I did not feel bowed down with thankfulness to my brethren in the Free Church, and I may say also to many outside, for their consideration and kindness, for their constant help and support, for the generous esteem of my motives, the generous appreciation of any services I have tried to render ; the willing-

[1] Perhaps I may most conveniently insert here what Principal Rainy once said to me, in conversation, of Professor Masson. 'Masson,' he said and said it warmly, 'is a noble fellow and is always looking for what is noble. I often think of him as like the merchantman seeking goodly pearls and,' he added, 'I make no doubt he finds the pearl of price.'

ness to put a good construction upon the man who has had to take the position of a public man among you. I feel it all far more than I can say. I feel as if I was about the best-used man in the whole world. And the only thing I would say about it is, that it is only in the Church of Christ that men meet with such usage as this. There is no other society in which it could be. In the world, what we call the world, there is much generosity and much justice, and much kindness ; but the world's servants are allowed to drop, as the Church's servants are not allowed to do. That is true, I believe, of all the Churches, but there is no Church more than this United Free Church of ours in which that holds true. It is a Church in which we are always sure that there is appreciation for honest endeavour and honest attempts to serve. We have been accustomed to Church memories, and if I were to pass away this very night, I feel quite sure that kindly memories, much beyond my deserts, would be cherished in regard to my humble self. Well, I can only say that, when I look round on this remarkable meeting, so numerous, so representative, composed of men whom I am accustomed to honour, to trust, and admire, I thank you with my whole heart. I pray God to render it back unto your own bosoms ; and I cannot but admit, gladly admit, that it cheers me, it strengthens me, and it sends me on any part of my pilgrimage that remains, with a singular comfort and rest of heart.'

When he sat down, some youthful voices—desiring, no doubt, that no customary honour should be lacking to the distinguished guest of the evening — raised the familiar 'He's a jolly good fellow.' But there was something unfitting in this ; and almost immediately it was changed, and as if by a kind of instinct, the company sang instead the Aaronic benediction, 'The Lord bless thee and keep thee : the Lord make His face shine upon thee and be gracious unto thee : the Lord lift up the light of His countenance upon thee and give thee peace.' It

was, I imagine, a unique episode at a public banquet.

The chorus of congratulation over the accomplishment of the Union and to Principal Rainy in particular was now almost universal. All Churches joined in it—Established Church ministers and Episcopalian bishops as heartily as any. It became a kind of fashion for public speakers to make kindly and complimentary reference to it, and to hope the example thus set would lead to still further union. Leaders of both great political parties agreed in commending it. A meeting to celebrate the achieved Union was held in Haddington on 16th January 1901, and was addressed by Mr. A. J. Balfour and Mr. R. B. Haldane. The former spoke of the Union with unqualified cordiality as 'a great step, as regards Scotland, and, as regards Christendom, an important step' towards the termination of ecclesiastical division. He particularly approved of the method of the Union —that there were to be open questions within the Church. Not that he pleaded for a colourless creed; but 'the reason of Church division had been that there were to be no open questions,' and so 'he congratulated the Union as based on a sound principle, the only principle by which the divisions of Christendom can be healed.' Mr. Balfour concluded:—

'If that lesson be learned, then, I think the leaders of this movement may congratulate themselves, not only on having done a great work within the borders of their own communion, but in having done a work the benefit of which will spread far and wide beyond those borders, and will reach indeed every shore, touch every Christian community, and affect the life

of every Christian denomination ; and if that be so, the 31st October 1900 will be a day famous in this part of our Island and among Presbyterians.'

How little did he think, as he spoke these words, that a distinguished colleague in his cabinet was, with the other judges of the House of supreme legal appeal, destined to make another date even more famous in connection with the Union! Mr. Balfour's speech is sufficient evidence at once of the general congratulation now showered upon the event and the total absence of any apprehension that, after all, it might be overturned by the law. Certainly it is an interesting indication of the degree of seriousness with which in Scotland, and by even the most responsible public men, the legal appeal of the small minority was regarded, to find so leading a statesman thus speaking of an event which by this time was, as a matter of fact, in the solemn condition known as *sub judice.*

This leads us to tell what the dissentients had been doing during all this time of achievement and congratulation.

Whatever we may think of them personally or of their views and their course of action, they are certainly entitled to whatever credit is due to a small body of men, with no notable leader, holding on their way doggedly amid much discouragement and even ridicule. With care of every due legal form, the little company of about a score of ministers and elders carried on what they claimed to be the General Assembly of the Free Church of Scotland. At this stage they had practically no public countenance. So long as it seemed possible that the minority might injure and perhaps hinder the

Union, they were encouraged in many quarters; but now that the Union had been accomplished by so overwhelming a majority, even the *Scotsman* told them that 'the country does not want them as a separate sect,' and would not 'recognise the moral claim of so small a minority,' and, further, spoke of 'the absurd step of reconstituting the Assembly.'[1] They were not altogether forgotten or despised in the great Union gatherings. Before the close of the Assembly a motion was passed, proposed by Dr. Ross Taylor, regretting the separation and expressing the gratification it would be if there could still be a continuance together in the work of Christ in the land. But the extremer party who dominated the counsels of the dissentients had already resolved on a course of action which put an end to the possibility of reconciliation or compromise about either work or material interests. The appeal was at once to be made to Cæsar. Steps towards this were taken immediately, and in six weeks from the date of the Union, a Court of Session summons was served upon all the General Trustees of the former Free Church and all the members of the Union Assembly. The chief contentions of the pursuers were that 'it ought to be found and declared by decree of the Lords of our Council and Session' that they and those adhering to them 'represent the said Free Church of Scotland,' and that they are entitled to have the whole lands, property and funds belonging to the Free Church; that the United Free Church should have 'no right, title or interest' in these, inasmuch

[1] *Scotsman*, October 31, 1900.

as her constitution 'does not embody, adopt and provide for maintaining intact the whole principles which are fundamental to the constitution of the said Free Church of Scotland'; and that the 'pretended Acts' effecting the Union should be 'reduced' and declared null and void, 'but that only in so far as the same may have, or may pretend to have, any effect upon the civil rights of the pursuers and defendants.' This sweeping claim was made by exactly twenty persons—the list of the pursuers consists of nine ministers and eleven elders—while the names of those against whom the summons was issued occupies forty-five pages of print with nearly fifty names on each page. Thus began what in the end became one of the most extraordinary stories of modern legal annals. That story we shall tell in subsequent chapters.

Meanwhile this claim in law for the whole property of the Church put an end to all other and more Christian possibilities of settlement. It will be remembered that Principal Rainy had written that 'in the case of ministers who in the end feel constrained to separate but are willing to arrange amicably what can be so arranged, we should meet as brethren to effect an equitable adjustment.' Dr. Ross Taylor had spoken of this even more clearly in public. All such meeting 'as brethren' and any such 'equitable adjustment' were now out of the question. We must presume that those who led the dissentients into this step justified it to themselves; though one cannot but recall that, only six months earlier, their most prominent spokesman, in words that have been already quoted, declared that to take the property, even though they could, would

'not be justified in the only Court where Christian men ought to take their case.' However this may be, it was, from the point of view of Christian feeling, a deplorable act. It necessitated, on the part of the United Free Church, a legal reply, and the whole question passed from the region of brotherly consideration to that of formal claim and counter-claim. One element in the legal counter-claim on the part of the United Free Church requires a word, for it has often been misrepresented. The United Free Church raised a counter-action claiming the few Church buildings—ultimately one, as a test case—which remained in the possession of the minority where a minister and the bulk of the congregation did not enter the Union. It was easy to represent this as oppressive against a pitiably small minority. But a few words explain it. The actions raised by the minority did not bring before the courts what the United Free Church considered one of her strongest legal pleas, namely, the Model Trust Deed. This was a trust deed by which congregational property was to be held, not locally, but by a congregation of the Free Church of Scotland or of any body of which it might, by union, become part. Naturally and indeed most rightly, the lawyers of the United Free Church desired that this should be one of the documents to be considered by the courts of law, if a case in law there was to be, and the only way to do this was to raise such a test case against the minority as was done. The idea that it was done through oppressive desires or that, when it was won, the few ministers of the minority would have been cruelly evicted, has not an atom of foundation. I think I

may venture to hope that the reader by this time knows Principal Rainy well enough to judge of that.

It has been right and necessary to refer to these somewhat trifling matters in connection with the raising of this case, because—to anticipate our story—the amazing final decision of the House of Lords in favour of the little band of dissentients gives it importance. Historically, however, the reader should understand that, at the time, the matter excited hardly any interest in Scotland. I find little or no sign in the press or elsewhere that the possibility of a decision which would throw Scotland into confusion was seriously present even to the imagination of the public; while such a speech as that of Mr. A. J. Balfour's which I quoted shows that even public men did not give it a thought. The Union was accomplished, and the country accepted it and approved of it. The claim of the minority to all the property was regarded in Scotland as little more than a curiosity till the House of Lords manufactured it into a crisis.

It is therefore historically necessary that this chapter should not be too much interrupted with the thought of what is coming. As a matter of fact, it seemed as if Principal Rainy had now triumphantly reached a climax to his long career and might, as he himself had touchingly said, 'depart blessing God's name.' The congratulations which gathered round him found occasion for further expression in the year following the Union, because in it he celebrated the jubilee of his ordination. He also in this year resigned his chair of Church History in the New College, which he had held for the long period of thirty-nine years—retaining, of

course, the principalship. It occurred to the generous mind of Dr. Ross Taylor—one of the kindest and most unselfish of men—that one who had done the pre-eminent service of Principal Rainy should not be allowed to suffer any diminution of income such as would be the consequence of his transference from the position of an acting to that of a retired professor. So Dr. Ross Taylor set about privately to collect from among a few friends a jubilee gift. He told me he never in all his life got money so easily. In a comparatively short time, he had over five thousand pounds.

The jubilee presentation was made at the close of the proceedings of the first day of the Assembly of 1901. But before the proceedings of the Assembly closed on that day, the court paid to the Principal an unprecedented compliment. There is not—so far as I am aware—any example of a General Assembly of the Scottish Church presenting an address to one of its members. The honour therefore was unique which was done to Dr. Rainy, when the Assembly of 1901 adopted an address to him on his jubilee, and authorised it to be presented at the jubilee gathering on the same afternoon. It is not necessary to quote at length the laudatory congratulation, which says 'it is not usual for a General Assembly to present any of its members with an address, but, as your jubilee was reached while you held office as Moderator, we welcome the opportunity this circumstance affords for taking the exceptional course of giving united expression to the reverence and affection we cherish towards you.' At the presentation, the chair was taken by Lord

Overtoun. The address from the Assembly was presented by the Moderator and the Procurator. Another address from Dr. Rainy's presbytery was presented by the venerable Dr. Thomas Smith (whose name has occurred more than once in this history), and yet another from the Principal's old congregation of the High Church by its minister, the Rev. R. S. Simpson. Then Dr. Ross Taylor produced a most beautiful silver casket—embossed with reliefs of the New College, the symbols of the united Churches, and the figures of St. Andrew, St. Columba, John Knox, and Thomas Chalmers, and containing a cheque for five thousand guineas. Not content with this, he handed over also some jewels in sapphires and diamonds for Mrs. Rainy. The Principal rose to reply and, when the repeated rounds of applause with which he was greeted had subsided, he said 'he did not know what all this meant.' He saw the kindness and proceeded to thank them for it; but, he added, 'he had difficulty in avoiding the impression it was somehow a wonderful exaggeration and mistake.' Then he went on:—

> 'Yet all this made him very happy. What better could any man have in the world than the confidence and kindly regard of good men and women? To be assured of this, left him nothing to do but bow his head, thank them, and worship God. He hoped they would give him their prayers for what remained of this life for him—and how he wished that he had filled his lamp with deeds of light far more than he had done.'

Then he detailed his thanks, especially to the Assembly, for the 'unexampled honour' it had done him. He prayed God to provide as good and kind friends for his brethren—'far more deserving, many of them, than

he was—as God had given him.' Then, in closing, he referred to the gift to his wife, and said he would ask their son to speak for his mother, but he added :—

> 'It was through her that it had come to pass that their children were staunch and true in sympathy with them in every religious and ecclesiastical and social principle—that they stood by them and supported them in every possible way, every one of them.'

It is impossible to exaggerate the note of simple and happy thankfulness to God and man that expressed itself in the tones as in the words of Dr. Rainy's speech on this occasion, and the picture which his figure presented of a noble old age surrounded by

> 'that which should accompany old age,
> As honour, love, obedience, troops of friends.'

Does any reader grudge it, that in this chapter there has been so much record of the laudation of this man ? He need not grudge it. Upon the happy calm of that serene eventide was yet to burst the wildest storm of Dr. Rainy's career, and that venerable figure, waiting to sing its *Nunc Dimittis*, was soon to be summoned once more to the very thick of battle.

CHAPTER XXIV

THE UNITED CHURCH AND THE OLD LEADER

THE law-case proceeded on its way in the Scottish courts during the opening years of the new century; but we may defer any account of it till our narrative reaches the year when, on a final appeal being taken to the House of Lords, a judgment was given which deserves to be called—besides, doubtless, other things—historical. In this chapter I shall refer to other matters during these years which are of interest regarding the United Free Church and Principal Rainy's position and character in particular.

Almost immediately after the Union, the Church was called on to pass through what for a time threatened to be a troublous sea. A new heresy case seemed likely to arise against another brilliant professor of the Church. Dr. George Adam Smith, professor of Hebrew and Old Testament Criticism in the United Free Church College in Glasgow, and widely known as the learned historical geographer of Jerusalem and the Holy Land, had published a volume of lectures entitled *Modern Criticism and the Preaching of the Old Testament.* Dr. Smith was one of those scholars whose combination of advanced critical views with unswerving allegiance to the evangelical faith had done much to avert that 'landslide' regarding vital Christian doctrine which

Dr. Rainy (in the conversation with Professor D. S. Cairns mentioned in an earlier chapter) had apprehended would take place when criticism entered into the general mind. These lectures, their writer said, were written 'in defence, upon critical ground, of the Christian's faith in the Old Testament as the Word of God.' It was the statement and ready acceptance of this 'critical ground' that alarmed many. The author, for example, regarded the early chapters of Genesis as formed largely 'from the raw material of Babylonian myth and legend'; he held 'the god of early Israel was a tribal god,' and the people of Israel 'did not deny the reality of other gods'; he discussed freely the personal reality of such a figure as that of Abraham, and at least left in haze its actual historicity. He himself described these views as 'revolutionary in respect of methods of interpreting Scripture and the origin of Scripture hitherto accepted among us,' but declared that, criticism having 'won its war' against the traditional theories, 'it only remains'—the phrase is a strangely infelicitous one for so brilliant a writer—'to fix the amount of the indemnity.' With all this, the Christian and even evangelical motive of all Dr. Smith's book was unmistakable. The revelation thus arising is led up to the supernatural revelation of the Incarnation and Redemption of Christ. And Professor Smith earnestly and even enthusiastically held that the fact of this Divine Revelation was, for the modern mind, more surely established when the manner of its origin and evolution, thus stated by criticism, is fully admitted and even welcomed.

A memorial was in 1901 sent to the College Com-

mittee calling their attention to the book. The Committee invited Professor Smith to a conference, and he met them and also furnished them with a long and valuable statement which did much towards an understanding. The Committee's report was studiously fair. It defended Professor Smith from unjust misrepresentations and appreciated fully his standpoint and aim. It thought that some of his statements were unguarded, and in no way accepted his views, but declared that if the criticism of the Old Testament had erred or gone to excess, 'it must be dealt with not by authority but by the process of discussion.' Its concluding recommendation therefore was that, while the Church might disclaim any responsibility for such opinions as those complained of, and might indeed make a fresh declaration of her own adherence to the doctrine of Scripture she has maintained, 'it is not the duty of the College Committee or of the Church to institute a process against Dr. Smith in connection with these lectures.' The tolerance and the absence of panic in this report show how much the Church had learned since the days of another 'Smith case' with which the reader is acquainted.

As the Assembly of 1902 drew near, there was, however, considerable prospect of trouble. Dr. Smith's great gifts of popular exposition made his lectures reach many circles which did not usually read books on criticism. A real difficulty with many persons was the confidence with which he accepted not merely the critical method—the right of that had already been won in the Church—but many critical conclusions as now finally and unassailably established, and it was clear that any

deliverance likely to be carried must avoid even implicitly committing the Church to Professor Smith's opinions on various critical issues. At the Assembly, Principal Rainy moved a motion declining to institute any process against Professor Smith for the book, but at the same time declaring 'that they are not to be held as accepting or authorising the critical theories therein set forth,' and concluding with a general exhortation about Scripture that their faithful people should not be 'shaken in mind' by discussions about it 'which will, in due time, be weighed, adjusted and put in their proper place.' He made on this occasion his best speech on this oft-recurring critical question. After disposing in a more than usually masterly way of the ecclesiastical aspects of the case and deprecating the policy proposed by an amendment—the appointment of a committee on the subject—he talked of the merits of the whole question with a frankness and ease he had rarely shown in such cases. He recalled the old 'geological' difficulties that, when he was a youth, were raised about the story of the Creation in Genesis. They had passed through the stage of denouncing these as 'infidel science.' It became simply 'a question about the respect due to facts': 'as soon as men became satisfied that the facts were so, then they acknowledged that the facts were part of what they had to take with them in considering what was intended to be the Divine instruction for them.' Similarly with criticism, 'a certain amount of established fact had been recognised.' Not that they should take too much as settled—he 'differed from Professor Smith there'—but the question

was what was the evidence, and that cannot be 'settled ecclesiastically.' 'Discussion alone could settle that, and discussion did settle it.' Of course there were anxieties here when they had to deal with questions of fact 'about the very tissues of the Bible itself.' Still, he went on, 'if the facts were facts, the discovery of them might very likely involve pain, but the ascertainment of them was pure gain.' Here, he said, 'he did not like Professor Smith's words about indemnity.' In words worthy of a true Protestant and a great believer, he declared :—

> 'I know nothing of indemnity. When I see evidence for facts, they are God's facts, and they will be only my help in the end if I can duly make use of them.'

'Don't,' he went on, 'let them be afraid of possible facts: the peculiarity of the Bible was that it lived through all revelations of unexpected facts.' In this strong strain he closed a great speech, delivered with extraordinary simplicity and ease of manner, and with a last word that 'the Bible would live triumphantly through all facts,' went back to his seat amid immense cheering. His motion was seconded by Professor Orr —a colleague of Professor Smith's, who entirely differed from many of his critical conclusions—and a keen debate followed, including a fine and feeling utterance from Professor Smith himself. On a vote Dr. Rainy's motion was carried by 534 votes to 263.

This was the last of the succession of 'heresy hunts' with which Principal Rainy had to deal. They had been one of the most trying and difficult aspects of his career and his treatment of them sometimes had evoked criticism even among his admirers. This last

case had not the same importance in principle for the Church as earlier cases had—the Robertson Smith case decided that criticism was permissible within the standards of the Church, and the Dods-Bruce case practically settled that it was to be countenanced even in the official professoriate—but it attracted much interest largely through the personal popularity of Professor George Adam Smith himself. Never in all his life did Dr. Rainy speak so guidingly on the critical question as in this case. He revealed his own mind more frankly than he had ever done before. There is no doubt his own mind did not welcome the critical conclusions. In a letter dated June 1902, he writes :—

> 'I give in to criticism reluctantly. The critics overrate the certainty of their conclusions. But it will not do to say that there is nothing in it. Criticism is always at our door in Church history, and it has done very remarkable things for us. But nothing demands a saner judgment than appreciation of inferences grounded on probable evidence.'

This being his personal predilection in the matter, all the more admirable is the unreserved claim for frank and unfettered discussion he made in his speech in this case. Whatever may be said of his attitude in previous cases, when, indeed, he always conserved liberty, but where it often seemed—though the inference was less than just—that he was caring for peace more than truth, certainly in this case his attitude won the approval of every lover of liberty and of truth. Here Principal Rainy really led the Church into great and fundamental positions. That authority cannot stop a movement of mind, and that faith should not only not distrust but even welcome facts as 'God's facts'—

these are great positions, and, coming from one of Dr. Rainy's unequalled position and also advanced years, were invaluable for the Church. It is safe to say that Church will now never depart from them.

A word may be added on the revelation which this debate—in many respects a trying debate just a year after the Union—made of the temper and tone of the United Free Church. It was obvious from the minority that there was a large body strongly and even zealously orthodox in the more traditional sense. But the notable thing was the entire disappearance of that old spirit of suspicion, of separation, of threatening which so often had characterised debates on such subjects in the Free Church. The United Free Church of Scotland was a far more completely united and harmonious communion than the Free Church had ever been since the days of Begg. There could be no doubt of the fact that by the Union and what followed, the Church had been purged of these elements of suspiciousness and threatening to which I have referred. It was an immense relief. Perhaps this was one reason why Dr. Rainy's speech at this Assembly showed a liberation of mind such as he had never before shown in any of his speeches in cases of this nature.

This liberation of mind on the part of Dr. Rainy appears in other matters besides this case and characterises particularly his speeches on the Highlands. In a previous chapter, I had occasion to regret that his speeches as Highland Convener were little more than statements of the work of the Committee, and that he said so little on the general situation. In the United Free Church he spoke

more freely than ever in the old Free Church. Thus in 1903, he spoke as follows of the old feeling in the Highlands towards the Free Church—'a sort of idolatrous feeling'—and how that had been poisoned, but how now a happier and healthier future seemed to have been opened :—

'He doubted whether men really apprehended the peculiar strength of the feeling about the Free Church which characterised and prevailed in the Highlands. They might say it did not appear on the face of it from symptoms that they had seen, and yet when he thought of some circumstances on which he did not now dwell but which would never be effaced from his memory—how for years there was assiduously instilled into the minds of these people the impression that the Church which they loved was turning away from the principles for the sake of which they loved it or which were associated in their minds with the objects of their love—how for years and years distrust and animosity and all sorts of unquiet impressions and tendencies were instilled into the minds of a trustful and affectionate people, he could not wonder at it. He laid the blame somewhere else than on some natural proclivity to faction and strife in the minds of the people. In many of the hearts of those who had left them, or were in danger of leaving them or thinking of leaving them, what really existed was a sort of anguish, a perplexity, very intelligible, and very much calling both for their patience and for their sympathy. Now they had reached practically the solution of that state of things with which they had to deal as patiently as they could. While those who had left them included a number of persons whom they would cordially see back again, they had been separated in that way[1] from some elements that had been so prepared, so prepossessed, so poisoned he might say, that they offered no prospects if they continued with them but a prospect of perpetual obstruction and difficulty. If the Church patiently vindicated its fidelity to the interests of religion in the Highlands, its desire to work for the Highest

[1] That is, by the secession over the Union. The speech is somewhat involved in phraseology, and I have simplified one or two expressions.

interest, especially in the young people who were growing up to constitute the Highland population of the future, the Church would in the end have no reason to regret the pains and the cost which it had expended on the promotion of religion in the Highlands and Islands.'

He went on to speak of 'how interesting it was to see that the dew of heaven was coming down, that warmth and life were beginning to be manifest, and that the old formulas were giving place to the Spirit of power and life and Christ,' and how 'when they saw that, the effect should be not to content them but to awaken a great hungering for more.' Principal Rainy could never have spoken in the old Free Church as in the passage quoted above—neither so frankly nor so hopefully. The union of the Churches had brought a new union within the Church, and in the Highlands particularly. The cruelty, unconscious, of course, on the part of its authors, of the blow that was about to fall upon the Church—the reader knows what is coming and there can be no harm in anticipating it—was not chiefly in any loss of property, but was in the religious devastation once more spread over a region which the spirit of dispeace and disunion had so long harried, but on which, it seemed, at last had dawned a happier and more hopeful day.

There is not, I think, any other Assembly matter during these years that need be specially mentioned. But it should be said that Dr. Rainy still continued the vigilant leader of the House in the hundred minor affairs that come before the Assembly for judgment. I wrote in an early chapter of his probably unequalled leadership in these things, and how under him the

Assembly made really no mistakes which it had to retrace. It is impossible to exaggerate the value of his services in matters of this kind all through the forty years he led the Assembly; but obviously these secondary affairs cannot be entered into here. His authority in the United Free Church Assembly was, if possible, even greater than it had been in that of the Free Church. He 'had seen two generations of mortal men perish and was king among the third.'[1]

One important question, outside the Assembly, which Dr. Rainy took part in at this time was the Temperance movement associated with the name of Lord Peel. He moved the principal resolution at a conference held in Edinburgh in 1901, on what are known as the 'minority report' proposals, and he took the chair—supplying the place of Lord Rosebery—at a meeting addressed by Lord Peel and Lady Henry Somerset in 1903. There is no doubt that his was a powerful influence in inducing Scotland, in which temperance opinion is far in advance of the 'minority report' and in some quarters suspicious of certain of its proposals, to be united over the Peel programme. He insisted that temperance reformers 'must remember they must carry with them, if they were to do legislative work, a very large body of men who were not abstainers.' As to compensation, 'there was a great difference between compensation that came out of his pocket and compensation that came out of a spirit-seller's pocket.' He thought it an important thing to give publicans a certain number of years 'during which they could turn round and see what they could do,'

[1] Homer's *Iliad*, i. 250.

and that thereafter the State should be free from this consideration of compensation. Personally he declared himself a Local Veto man, but people differ as to that, and he 'would not break his heart if popular control is applied in different ways in different districts,' for they 'would not be the worse for trying some experiments.' These—stated very briefly—were the main features of his temperance position. Some people thought he was too moderate on this subject, and did not help it enough; on the other hand, he had the more influence just because he was in no sense a faddist or fanatic about it. He became a total abstainer about 1877 (so I gather from a letter to a brother minister who was in danger of falling into intemperance—a remarkably earnest and faithful letter), and continued to be one up to at least old age. He never attempted to impose this in any way upon others, and had indeed an emphatic sense that it was not warrantable to do so.

A public event of some interest in which Dr. Rainy took a prominent part was the celebration in Cromarty in 1902 of Hugh Miller's centenary. Principal Rainy and Sir Archibald Geikie were the chief speakers, and the former gave a careful and remarkably characteristic appreciation of Miller. He spoke of him as a man of science—'thrilled with the impressions connected with the discovery of decisive facts'—but also a man of culture, open to 'the singularly refining quality of an esteem for and interest in and love for literature.' 'Not all educated men,' added the Principal, 'come to be men of culture, come to be men who have taste and responsiveness, who offer their minds as musical

instruments that are attuned to melody by the literature of their land and race.' Then he went on to speak of Miller as a working man—'a self-respecting working man.' He 'doubted whether Miller would ever have cared to be anything else than a working man unless, like all good men, he had fallen in love.' He spoke of 'his sense of the honour due to working men,' and yet 'his shrewd and sane view of them.' Then he eulogised Miller's moral character. 'He held by the best he knew'; and therefore 'we have not to mourn in connection with him those lapses which sometimes sadden us in those we love.' Miller was, too, 'a fighting man,' and 'no man enjoyed a battle more.' In short he was, said the Principal, 'a great mass of Scottish manhood.' In closing, Dr. Rainy took occasion to refer to the impression, which undoubtedly did exist, that the Free Church had failed to appreciate Hugh Miller's great services at the time of the Disruption. Of this, Dr. Rainy said:—

> 'If there was such an impression, it arose from some of those cruel fatalities of human life which are unaccountable. There never was in the mind of the Church anything but reverence and gratitude for Hugh Miller.'

During this visit to Cromarty, it may be mentioned, Dr. Rainy was the guest of Mr. Andrew Carnegie at Skibo Castle, and an incident occurred one day there in conversation which I may mention, and I do it with Mr. Carnegie's sanction. The conversation turned on the utility of Foreign Missions. A lady present was upholding them, but was being somewhat overargued by the forcible contentions of her host, and she appealed to Dr. Rainy for assistance. The Principal's remark

was : ' Well, there 's a great deal in what Mr. Carnegie says, but, after all, we have our marching orders.'

At this stage, I may insert a few extracts of a general character from various letters. They will explain themselves and require little or no comment.

He was deeply concerned about the Boer War. In a letter dated March 1900, he writes :—

' I was against the war as not clearly justifiable, but once it was decided and entered on I regarded further discussion as vain. The thing had to go through ; and it must be settled if possible in such a way as to avert the risk of the thing breaking out on us again.'

Dr. Rainy took an active interest in the negotiations with the War Office for sending out chaplains by the United Free Church. He also had his views even on the military operations. He writes :—

' Abandoning Spion Kop is, in my view, another blunder. No officer so placed had a right to abandon the position without being authorised by the general officer commanding the operations. Some of our officers seem to me to think—— ; but I will not say it. It is not my business. But I get quite restless over it.'

Later, in 1902, he says :—

' We may have South Africa settled with less trouble either there or here than we had any right to expect. But it is a big job. It is most fortunate for us that the Boers are a manly race and don't go in for hysterics. But if we make mistakes under any sinister imputation, we shall find them dour.'

When, in 1904, Kruger died, Dr. Rainy writes :—

' What a career that man had ! He was not exactly a hero, but at least he did not flinch. He " put it to the touch to win or lose it all." Well, may be the sad years, after all was lost,

were the means of teaching him deeper wisdom, and making him ready to go up higher. I like to think how Christ may find His own among the beaten men and women, including those who deserved to be beaten.'

Here is a note on Mr. Chamberlain's fiscal campaign :—

'Chamberlain is on the warpath. He is speaking effectively but not convincingly, and all the real authorities are against him. Still, he works the Empire idea for all it is worth. It is remarkable how he reveals always the same character—a mind readily captivated by ideas which can be impressively propounded, but indisposed to reckon strictly with itself as to the means by which they can be safely and successfully carried out. Hence he turns lightly from one practical plan to another. It reminds me of ministers I have known who, if they were shown that their interpretation of a passage of Scripture was objectionable, did not mind but gave you another, and in fact could provide any number, and did not care which was taken. All this is very different from Gladstone.'

Of the *Life of Gladstone*, he says :—

'It is a great book. It cannot be read very fast,[1] but it is remarkable for literary and moral qualities. It reveals Gladstone's intellectual and moral character—above all, his conscientiousness, his self-control and his self-judgment—most strikingly. It is a great advantage that it is written by a politician as well as by a thinker and writer. Having been in the game, Morley is able to seize and show the elements of each situation that needed to be reckoned with and understood.'

Here is a note on an exhibition of the paintings of G. F. Watts :—

'On the whole I think I was a little disappointed. I honour Watts as a man of fine mind and powers who aimed at the ideal

[1] Dr. Rainy was an extraordinarily fast reader. And yet he did not skim a book; he rather tore through it, like a torpedo destroyer through the water.

with great sincerity. But the pictures which are most characteristic of him are allegories, and to me it always seems that successful pictures of that kind are most rare. It seems to me that our ideals do not submit to be embodied in permanent painted forms of men, women, and children. The one of these that really impressed me was Death (he always represents Death as a woman) entering the house of life vainly resisted by Love. It is beautiful, and tells its story winningly. Another very impressive picture was of Paolo and Francesca. But the one I perhaps liked best was a little baby boy, red and plump, landing from the ocean of eternity on the shore of time. He is coming from the edge of the ocean, where it breaks on the shore, up the beach straight towards you, with both his hands stretched out and his eyes eager and a little frightened—all alone by himself. It made one think how good it is that most babies are so ordered as to their lot by God, that loving hands are stretched out to them and receive them.'

Many of his letters of the period touch on Indian affairs, in which he was interested because his son George, after graduating at Oxford with a first in 'greats,' came out first in the Indian Civil Service Examination and went out to India, where he was not long in being appointed to an under-secretaryship. Principal Rainy discusses Indian affairs with his son often at length, but I can give only one extract :—

'I was greatly interested in your letter on the future of India. I have not been in a position to form definite opinions of my own, but I certainly have felt that I did not know how things were likely to work out. I could not suppose that the educated Baboo could be the governing class in India, and could control its future fortunes. On the other hand it might, on other accounts, be good tactics to recognise them and give them positions, looking to the mischief they are likely to do if unrecognised. But then how far can you go in that line? You can't swamp the service with natives, if Britain is to continue responsible for India. These are the difficulties of

Imperialism, and they are very great. . . . The Romans managed their Empire pretty well, availing themselves of local methods and men, and letting things go pretty much in local grooves. But the differences are great. I have always felt that we must keep in view the alternatives—either we must govern India, or we must leave it to itself. But if we are to do it, we must be supreme and must wield the sword. We ought to be as gentle and conciliatory as possible, but it must never be doubtful that we rule. Obviously that is not the ideal way of organising a country in the interests of its native population; but it may be the best and even far the best in existing circumstances. I am much interested in your suggestion of beginning from below. If ruling persons in Russia had really wished to bring in a reign of liberty, I have often thought I would ask them—Why do you not begin with the villages? You have got there the one thing in Russian social life that gives you a hope and a line of operations. Now they must begin with a Duma, which is all but a desperate business. It will move so slow, and if it fails it will be a dire failure. You see how cleverly I write about things of which I have the slenderest knowledge.'

Here is an ironical reference to the high importance attached in the Civil Service in some quarters to qualifications other than intellectual :—

'Why is there not an exam. in dancing along with the others—two or three papers and a demonstration? It seems comforting to reflect that while other posts may be swamped by natives, under-secretaryships will continue to be a British preserve, for what self-respecting native—Mohammedan especially—would dance?'

In his letters to his son George, amid these political and often humorous reflections, are occasional words of the purest and simplest Christian counsel. I hardly feel at liberty to quote much of this, but may give one single example :—

'So much alone as you are and pressed with work, it is perhaps difficult to keep sight of the main things. If you had only three minutes for Bible reading, I would give one to reading and two to thinking about it in God's presence. It is the same with prayer: shorter prayers, if it must be so, but let us think a little before we begin.'

One could quote many such remarks, but counsels such as these from a father to a son have their sacredness. I shall close these extracts with an example of the letters he found time to write to his grandchildren, whose young minds he could interest in all kinds of subjects. The following shows how he could tell a boy about even so dry a matter as Scottish mineral antiquities:—

'The other day I went to preach the first sermon in a new church. That is called "opening the church." The name of the place was Newtyle. Well, I went to see a house not far off where they have gathered together a number of old stone monuments that were lying about before. But they were very much battered, some of them, before people began to take care of them. One or two were in the form of a great stone cross and there are figures roughly cut upon them—evidently they did not know how to do them better—men riding, and horses, and dogs, and birds, and one figure is very like an elephant, though I don't think there were any elephants in Scotland. The monuments must have been made hundreds and hundreds of years ago. I suppose the people wanted to be remembered and what they did; so they put up these monuments and they thought, "When I am dead, people will say, Oh, that is the monument of so-and-so, and he used to go out that way with his horses and his dogs and chase deer and birds, and they will tell their children, and the children will tell their children, and so on, and in this way I shall always be remembered." But, alas, it is all forgotten, and nobody knows what it all means. We see that there were people who wanted to be remembered, but no one now can tell who they were and when they lived—only that

it must have been very long ago. But I like to think that perhaps they asked God to remember them with loving kindness and tender mercy. And He will not forget. . . .

'Sometimes, when I stand on a hill here in Scotland and look over a wide plain and think of all the various people that are forgotten now, who have had their homes there and have worked and loved and died one after another, my heart gets very full of thoughts. But then I think I must try to do some good to the people who are still here round me, for the others are gone, quite gone. But they, like us, lived under the good Providence of God.

'Now see what a long story I have written. You will say, "Why should a boy like me care about all these old people?"'

During these years, especially now that he was freed from the daily routine of teaching in the College, Principal Rainy seems to have entered somewhat more fully into various social duties. His letters give chatty and often amusing accounts of visits of and to distinguished people. He was the natural representative of the Church on many official occasions, and no more dignified representative could it have had. He was greatly interested in the celebration of the four hundred and fiftieth anniversary of his *Alma Mater*, the University of Glasgow, which took place in 1901, and of which he writes to his son George :—

'The University function went off very well, only the "orations" wanted orators. Talk goes on both in Glasgow and here about my *not* having been recognised by an LL.D., but don't you think, when so many degrees are flying (above one hundred LL.D.'s alone), it is more distinguished *not* to be graduated?'

He also travelled abroad to Norway and elsewhere, and was a good deal at times in London. He writes of a dinner at Lambeth Palace and says 'nothing could be more friendly than our reception.' I mention

these things to indicate that in his old age Dr. Rainy by no means lost interest and ceased activity in life. Some one once said to him that he seemed to have the secret of perennial youth, whereupon he replied, with a quizzical look, 'Oh, a man that keeps his perennial youth is apt to become a bore.' But with all these interests of his old age, his letters express pathetically the often repeated sense that the world is passing away. 'I am constantly now,' he says in one letter, 'hearing of people ill or dying who were among my students.' In another, which mentions the death of no fewer than four old friends, he says, 'This is rather a doleful catalogue, but I do not feel it so: "All these died in faith."' In another, speaking of the sale of an old family house, he quotes :—

> 'Omnia terrena per vices sunt aliena,
> Nunc mea, nunc hujus, post mortem nescio cujus';[1]

and adds, 'But it is all right. This is not the abiding city.'

Freed now, as has been said, from his professorship—to which Dr. A. R. MacEwen, a scholarly minister of the former United Presbyterian Church, was appointed—Principal Rainy found time, during these years, for at least a little of the literary work from which his too busy ecclesiastical life had almost entirely excluded him. It was now too late to look for the long-hoped-for life of Augustine. If that subject was mentioned to Dr. Rainy in his old age, he smiled a little pensively. Once—though this was earlier—a young minister asked him if the work could not still

[1] 'All earthly things pass through changes and become strange: now mine, now his, after death I know not whose.'

be hoped for, and Dr. Rainy replied that he had once begun it, but had conceived of it on too large a scale, and that since then public work had so engrossed his life that, he added, 'I fear I shall never be able to accomplish the fulfilment of my plan.' The young minister—a particularly able student and one keenly interested in theology—ventured to say, meaning it as a compliment, that he would almost be willing to sacrifice that work 'for the sake of such a book on Augustine as you could give the world.' The Principal looked out of the window towards the sea with a wistful, far-away look, but said nothing; and his companion felt he had lifted a veil over an aspect of Dr. Rainy's life which had its disappointment. But it is needless and useless to dwell on this: it did not call for repentance, and life is not for mere regrets. Moreover, life is not a mistake because our earlier resolves for it have not been carried out. But in these years after his resignation of his professorship, Dr. Rainy, as has just been said, gave the world at least some literary fruit. He put together an historical survey of the Christian life and thought of the early centuries, and published it under the title of the *Ancient Catholic Church* as one of the volumes of the International Theological Library, edited by Principal Salmond of Aberdeen and Professor Briggs of New York. It is far from being a complete history, and for many things the student must go elsewhere. But for sympathetic insight into the mind of the early Christian Church he will often return to it. Dr. Rainy had an almost unique power of getting inside movements and explaining them as they would

explain themselves. This applies even to the heresies: his account in this book of Gnosticism, for example, makes the reader see how that system of thought, so easily dismissed from a distance as merely fantastic, is, while certainly not true, yet natural and intelligible. The book, too, has many character touches done with that sureness of hand which suggests the writer is speaking from personal knowledge of the man he is characterising: for example—to give but a single specimen—Tertullian 'combined in himself the Puritan and High Churchman, with even a touch of the Fifth Monarchy man thrown in; he was a married man, and one supposes might not be quite "easy to live with," yet he might well be greatly esteemed and greatly loved.' [1] It is a book with greatness in it, however imperfect alike in its conception and even its manner of execution. The other volumes which Principal Rainy published at this time were of a religious character—an expository commentary on the Epistle to the Philippians and some selected sermons. These are not books which need be discussed or quoted here. But of the volume of sermons—the title of which is *Sojourning with God*—a word should be said. There are many volumes of more eloquent and, in the literary sense, even more interesting sermons; but there are few indeed of more real, rich and profoundly experienced religion. These are not sermons which will be quoted as examples of that dubiously inspired gift called 'pulpit eloquence'; but often will Dr. Rainy's treatment of—to name but one example—such a theme as that of 'Receiving Forgiveness' be read and also

[1] *Ancient Catholic Church* (T. and T. Clark), p. 185.

pondered over by some soul who is in earnest to know the sureness and meaning, the gravity and the wonderfulness of God's relation to him and his to God and to life and to the world unseen. Most of these sermons, it should be added, were old sermons. At this period of his life Dr. Rainy was a preacher of a different kind —the most interesting of preachers, to any one who had ears to hear. He leant over the pulpit, often hugging the Bible in his arms, and quietly talked the purest, simplest, deepest religion. These spiritual talks of a great and experienced saint can never be forgotten by those who heard them and never reproduced for those who did not hear them.

Principal Rainy was now, as has been said, an old man. He was approaching fourscore. His natural force was little abated. His step had still its characteristic alertness, and his figure was not only erect but still retained the suggestion of the athletic which had always distinguished it. His face, in his old age, became not less than wonderfully impressive. Time did nothing to enfeeble it, did everything to enrich it. There was the same unmistakable outward strength —he had not merely strong features (which sometimes very ordinary men have), but also, round the redoubtable chin, that firm steel binding which Napoleon had —but there was now too the impressiveness which nothing can give except a long life nobly spent in thought and work and prayer. He had always had—if one may descend to such a particular—a remarkably fine skin, and this was etched by the years as deeply almost as was Goethe's. It should be repeated that his expression was extraordinarily mobile—now full of

gentleness and now grave and even severe, at times purely spiritual and at other times curiously enigmatical ; but, at its best, Dr. Rainy's was one of the wonderful faces of the public men of his time.

All this the outward world could see—could not but see. Those, however, who knew Dr. Rainy were impressed with something about him in his old age far deeper than anything of outward appearance. It is very difficult to put in words—and yet it would be false to the picture to omit it—the reverence which the sheer saintliness of his spiritual character had now begotten in the minds of those who really knew him. His was not a saintliness that in any way ostracised the right concerns of this world. He was, and remained in his old age, full of interest in life—in ' this great and interesting world ' as he repeatedly called it. With him it never was that these things were decried or deprecated ; it was that, at the same time, God and the unseen world were, not only as real, but infinitely more. One cannot enter into analysis of the extraordinarily spiritual reality which Dr. Rainy carried with him, and one would not even if one could ; I shall but mention two features of it. Though it was a very secret of his soul, no one could fail to see what a place his prayers had in his life. Once he almost let it out, when in a sermon he said, in a kind of aside, ' I could give up many things, but, oh, I could not give up my prayers.' The other thing—for, though one could say much more, I will not dwell on these sacred topics—was his consciousness and expectation of the life to come. He spoke of it as naturally as he spoke of this life. He did not speak

much of death, but he spoke of what is beyond death; just as Bunyan's pilgrims, when they stood on the Delectable Mountains, and looked through the shepherd's glass, did not look at the river which has no bridge and which they knew was to be crossed, but looked at the towers of the Celestial City. And the impressive thing about Dr. Rainy was that what attracted his thoughts there was simply that his Heavenly Father was there. I remember one day discussing with the Principal the philosophical argument for immortality. He discussed it all with more than ordinary intellectual interest. Suddenly he threw back his head and looked up and said, 'But, after all, immortality is a dreary prospect if our Father is not in it.' It was a mere word, but the very spontaneousness of it revealed a child of God to whom fellowship with his Heavenly Father was not merely a reality but the indispensable reality. I do not know if I should have said these things about these sacred intimacies of Dr. Rainy's spiritual character. Every one who knew him will feel how inadequately they have been said, and yet, also, how impossible not to attempt to say them.

There is, however, one feature of Dr. Rainy's character in these years of which it is more easy to speak. That is the tenderness which more and more revealed itself in his words and acts as, indeed, on his very countenance. In his old age, he was a veritable father of consolation. Many persons have spoken to me of this and declared they can never forget his sympathy in times of sorrow, nor could they even tell of its sacredness. This was no new feature of Dr.

Rainy's life, as the reader knows, but in these later years, with a ripened Christian and human experience, and with the chastened sense that age must bring of the pathos of life, it seems more than ever to have been a deliberate part of his work to try to comfort and heal and sympathise. In these years his own family life was visited with a very sore sorrow. His third daughter, Annie, who was in many things his right hand, became ill and was sent with a friend to Algiers where, soon after landing, she died on 9th March 1903. She accepted with promptness and sweetness, when she realised it, the call to give up her young life, and her father in his sorrow wrote, 'We have very great consolations—indeed every consolation we could have.' He added, 'Some of the young people get before us, but we may follow.'

The tenderness which I have spoken of in Dr. Rainy's character found expression—as has been illustrated more than once in earlier chapters—in the letters of sympathy which he wrote to persons in illness or in bereavement. I append a few further examples of these here, but they are only a few out of many.

The first I shall quote is of a slightly earlier date—1899. It is written in connection with the serious and, as it eventually proved, fatal illness of Professor Bruce of Glasgow. Dr. Rainy and Dr. Bruce were, in many respects, men of not only different but even antipathetic religious temperament: all the more touching is their meeting on the common ground indicated at the close of this letter. It is addressed to Mrs. Bruce:—

'We have been thinking a great deal about you as well as about Dr. Bruce himself since we heard of the serious

nature of his illness. From what the newspapers have said, we are glad to think things have gone well so far, but I suppose anxiety must continue in some degree for some time. Things go on in their slow, relentless way, and that is one of the trials of faith. You cannot doubt that many Christian people are remembering you daily. But the great comfort is that we know our Lord and Master is thinking both of Dr. Bruce and you with those wise, loving, watchful thoughts of His, and that the forces of nature and of disease and of remedies are after all in His hands who causes all things to work together for our good. Even if we believe this, it is not always easy to feel it. But it remains true, and it is an infinite consolation. Who shall separate us from the love of Christ? I often think that to a man of your husband's vigour and energy and extraordinary power of work, the insidious progress of weakening disease must be most trying and depressing. It is of little use for those who are not feeling the strain to try to talk this away. Indeed, what can one say except that we must trust the great Surgeon? I remember my father saying to me late in his life that he could look back on passages of it so painful that at the time it seemed to him intolerable; and yet, looking back, he distinctly saw that those were the passages of his life that were indispensable—he could not have done without them.

'But, dear Mrs. Bruce, why should I be running on in topics which he and you know better than I do? For no reason but this—that when Christian was in the Valley, he heard a voice of one rehearsing God's goodness, and it helped him. So when we can do nothing else for one another we can echo to and fro the precious commonplaces of our most wonderful religion. And we can pray.'

With this may be placed a letter also to one in his last illness—Gilbert Beith, M.P.—to whom Dr. Rainy wrote:—

'I hear with great regret that you are ill. But we have received good at the hand of the Lord and shall we not receive evil also?—for, indeed, it is not evil since it comes from Him. He does no harm to His children.

'Many friends will pray for you that the trial of your faith may work all peaceable fruits of righteousness, and that you may have the comfort of rest in God.

'In the end, all will work together for good, and if it does not please God to restore you, the mercy that has done so much for us all our days will accomplish its work. Goodness and mercy shall follow us, and we shall dwell in the house of the Lord for ever. God's goodness will turn out to be—like Himself—unsearchable.

'You and I have had fathers of our flesh who saw the goodness of the Lord and served their generations. Their faith let us follow, remembering the end of their conversation; and when the end comes, our hope is to pass out of this world into the Holy Land of our Lord Jesus Christ. He will perfect that which concerneth us. He only could begin the work and He will complete it.

'I think with great pleasure of your unfailing loyalty to the good cause and your many services to good works and to good men. I know you will not think much of these yourself; yet it is a great blessing to have been employed by the great and good Master, and as for our shortcomings, which are so many and so great, He forgiveth all our trespasses and healeth all our diseases.'

Both these letters were of peculiar comfort to those to whom they were addressed, and the same is told me of the following, written to a lady whose sister had been stricken with total blindness:—

'I am so sorry to hear of your sister's great trial, and I don't wonder she finds it hard to bear and perplexing to deal with. But all these things—it is so easy to *say* and yet it is so true and good—are the things which we are to overcome because Christ has overcome them all for us. "In the world ye shall have tribulation, but be of good cheer, I have overcome the world." This is our calling—to carry our steadfast faith of God's love in Christ through all providences. Very likely your sister may be unable to feel it so: it seems mere loss and impoverishment. However, a day will come

when we shall look back and see that the very trials which seemed most cruel and intolerable are the very elements in our lives we could not do without. But God will teach your sister all this in a very different way from what the stumbling words of mine can represent. She will see the *end* of the Lord.'

Passing with these three examples from letters to persons in illness to letters to those in bereavement, I shall give the following, written to a fellow elder in Roseburn Church—the congregation in which Dr. Rainy was a member and office-bearer—whose son, a successful University student, had died in the promise of his youth. The letter runs :—

'When I came back from London two days ago, I heard that your son was dead.

'All we can offer to you—Mrs. Rainy and I—is our most sincere sympathy. But that can do little indeed to replace the presence and the promise that are gone and to fill the empty place.

'I also have had my share of this experience, and I think I can say this. The remembrance of this sorrow will never leave you. But as time passes on, the memory will become sweet and gracious. It will be an element in your life you could not afford to want. The memory of the unfinished life that never will be finished here will become soothing and strengthening. For our trust is that he is with Christ : he is gone into the world of things that cannot be shaken. You may have anxieties about others, but never more about him. The remembrance will become one of the things that comfort you concerning the work and toil of your hands.

'Pardon my speaking so much. I know it is vain. But at my age the memories of the beloved dead who are in the keeping of Christ are among the real resources of one's life.'

To a lady who had similarly been bereaved of a daughter, also in the promise of life, Dr. Rainy wrote :—

'. . . No one can do much to comfort another in sorrow. But we can pray God to administer the true comfort and to

help us and our friends to reap from sorrow some abiding good. . . . More and more it seems to me that Christianity is the religion in which men learn to pray. And God takes means to make prayer be for us real and serious. . . . Will you offer our very kind remembrance and sympathy to your husband? It is hard for a father to lose a dear and loving daughter.'

The reader has been told the personal experience behind the last sentence; and he may also remember the now long past but still remembered experience—the death of his own infant son—that made Dr. Rainy write to a fellow-minister whose little child had been taken away :—

'I am grieved to hear of your great sorrow. This will be a long sad memory for Mrs. —— and you. Yet a sweetness will come and enriching of life through new fellowship with God. Nothing brings us to God like sorrow and need. Meanwhile, how safe the little one is—how very safe in the hands of the Good Shepherd.'

The following is a note on the death of an officer who was killed in the South African War :—

'I fear the Captain ——, of whose death we heard through the papers, must be a near relative of yours, perhaps a brother. If so, be assured of our great sympathy. This war has made breaches in many families. But our Lord is as able to be present with us on a field of battle as in a peaceful home.

'Soldiers in active service may sometimes be worse men than they were in ordinary times, but I am sure that very often they are better—accessible to thoughts and impressions, and responsive to them quietly but very really.'

Sometimes the letters are quite impersonal—merely a few general sentences of 'the precious commonplaces of our most wonderful religion.' Of these a single example will suffice :—

'I ought to have written to you sooner of your great loss.

The world passeth away and the large happy families we remember disperse as time goes on. The process is sad for the survivors. But we have good hopes before us. And the mercy of God is wonderful—quite wonderful—past finding out. He never forgets us. He always cares for us. We may humbly believe He keeps us for the inheritance. Therefore let us look upwards and forwards.'

I close these extracts by quoting the following letter, the latter part of which will enable the reader to perceive that spirituality of Principal Rainy's mind of which I wrote a few pages back :—

'. . . Bereavements come with strange force, and they leave us crushed and lonely. And yet we are sure that our Heavenly Father turns all these sorrows, which seem to come upon us like fate, into means of grace, and is near us to be sought and found. He does it for our profit that we may be partakers of His holiness. Only this does not come to pass as a matter of course, and we have to ask for help and to find our way to the Father's mind and to trust. "Though He cause grief, yet will He have compassion according to the multitude of His mercies."

'I think, as we advance in life, we may do well to think more of the great hope of the Gospel. The fashion of this world passes away, but we have great hopes before us. Yet surely, they are not so welcome, not so dear, do not come home to us with soothing and cheering power, as they ought to do. Do we not find ourselves in moods in which these hopes are strange, not entering harmoniously into the life of our souls? I believe it is because we need to have revealed to us more fully the love of God. In that great revelation, everything takes on a new light and warmth, and the hopes I speak of become dear and real. Well, we must ask for it. What can poor people do that have nothing, but just ask? And we must ask for great things, for the greatest; our Father is a great God.'

Here is a glimpse of the most sacredly impressive thing in Dr. Rainy's old age. It was not even his great

experience, though his very face was a history : it was the humble, wistful sense of these 'great hopes.' There was never in Dr. Rainy's religion a trace of the morbid in its thoughts of life or death, of heaven or earth. It was out of sheer love of holiness and simple longing to be nearer his Lord, that (in one of his sermons) speaking on 'the prospect of Dying,' he said 'it is better to be done with sin,' 'where Christ most fully, most manifestly, most unreservedly is—that is best.' 'Not that we are to be impatient of life' or 'longing instantly to depart.' But, he said, in his simplest, most natural tones :—

'The prospect of departing in God's good time, to us unknown, should be a great and bright hope before us—the refuge of our hearts in trouble, the retreat into which we go when we would soothe and cheer our souls, a great element of the cheerfulness and patience of our lives—while we assure ourselves that the best of all we find here is by and by to give place to that which is far better.'

This was Dr. Rainy in his old age. Experience, both mundane and spiritual, seemed to have put its finishing chastening touches on his mind and character and spirit.

It might appear that our story should have ended here. We have traced a long and arduous career, and the subject of it seems now, if one may say it with reverence, but waiting for the opening of the portal to a better world. Yet before this man lie at once the greatest struggle and the crowning glory of his life. Upon the venerable and even saintly figure of the old Principal, the storm burst.

'So—one fight more,
The best and the last.'

CHAPTER XXV

THE LAW CASE AND THE JUDGMENT

THE catastrophe which fell upon the United Free Church of Scotland within four years of the Union, and with peculiar personal directness upon Principal Rainy in his old age, has already more than once been anticipated in the foregoing pages, and it may be well to state at the outset of this chapter and without further delay what it was. The claim upon the whole property of the Free Church made by a score of members of the Assembly of 1900, being dismissed by every Scottish judge—four in all—before whom it came, was appealed to the House of Lords, and the appeal on a second hearing was sustained by a majority, with the astounding result that every stone and every penny of the Free Church of Scotland was taken from the great Church of the Union with its seventeen hundred ministers and over half a million members and given to the small body of dissentients who numbered about thirty ministers, nearly all in the remote Highlands, with their flocks and adherents. The results of this decision were so unjust, so absurd and indeed impossible, that, as we shall see in the next chapters, Parliament had to intervene and take the absolutely unprecedented step of redistributing the property, taking the greater part of it away again

from those to whom, by the supreme legal tribunal of the land, it had been allotted. In this chapter we have to describe the judgment itself, which, with its authors, must eventually stand at the bar of history.

The case is one that can be simply and shortly stated. The contention of the pursuers was as follows. The Free Church of Scotland is ' a voluntary association or body of Christians associated together under a definite contract involving the maintenance of definite principles.' This ' contract ' is constituted by the Claim of Right of 1842, the Protest and Act of Separation of 1843, and the Acts of Assembly of the Church of Scotland in so far as not modified thereby. From this contract, the majority have departed in two respects. One concerns the establishment principle : the other the doctrinal standards of the Church. The establishment principle is, the pursuers asserted, ' one of the essential principles ' in the ' contract of association or constitution of the said Church.' This has been departed from by the Union in 1900 with the United Presbyterian Church—a body of which ' at the time of the Union ' it was ' an accepted and distinctive principle ' that it is neither lawful nor expedient for the State to establish or endow any Church. The doctrinal defection alleged was the Declaratory Act of 1892, in which ' the Assembly, claiming for the first time the authority to determine what points in the Confession of Faith entered into and what points did not enter into the substance of the Reformed Faith, proceeded to qualify the Confession of Faith ' and claim the right to do so further if it deemed proper. The qualification complained of was, as appeared in the pleadings,

in respect of the Confessional doctrine of predestination which, it was maintained, was contravened by the freer terms of the Declaratory Act regarding the offer of the gospel. The above were the grounds on which it was claimed that the property of the Free Church, being held on trust for the principles of that Church's constitution, should be taken from those who had thus departed from these principles and given to those —few though they might be in number—who adhered to them. The claim was for the whole of the property or, alternatively, for a division; but the latter plea was subsequently withdrawn as untenable.

The answer of the defenders was twofold. It was, first, a denial that there had been any real change. The 'establishment principle' is not and never has been a matter of imposed creed in the Free Church. It was at the time of the Disruption a prevalent view, but it was not part of the Church's binding doctrine. Similarly, the 'voluntary' view of the relations of Church and State, while all but unanimously held in the United Presbyterian Church at the time of the Union, was nowhere made part of its creed. As regards the doctrinal question, it was also denied that such terms of the offer of the gospel as are used in the Declaratory Act are inconsistent with the Calvinistic doctrine of predestination as stated in the Confession, and it was maintained that both in the most authoritative theologians and in the preaching of the Church, these two views were held side by side, as indeed they are in Holy Scripture itself. This denial of fundamental change was the first answer of the United Free Church. But it took also a second and higher position.

Even if it was held that there had been change, the Church claimed, as within her right, the liberty to legislate in the line of change. Such liberty had been claimed and also exercised by the Church of Scotland even in statutory relation with the State, and when, by the legal decisions in the decade prior to the Disruption, this had been vetoed by the courts of law, the Free Church was formed expressly to assert this liberty ' as heretofore understood ' to be and act in all spiritual *credenda* and *agenda* subject only to Christ as the Supreme Head of the Church and to His Word as her only supreme standard. This, the respondents maintained, was the very meaning of the Disruption, and every office-bearer in the Free Church was pledged to it as a fundamental principle.

Such, stated in their briefest terms, are the two sides of the case. I shall not comment at present on the strange spectacle of men claiming to be the ' Free ' Church of Scotland and yet maintaining that this Church is subject, as well as to Christ and His Word, also to a human confession and ' contract ' : we shall have further occasion to refer to this. But one very obvious remark on the case may be made at the outset, namely, that the question here is hardly a question of law at all. Certainly the law of the matter was clear and simple. The bearing of the law of trusts on a case such as this had been settled by a leading decision given in 1813 by Lord Chancellor Eldon. Before that date the courts, at least in Scotland, had tended to the view that, in cases of division and dispute in nonconformist religious bodies, the property will be given to the majority. But Lord

Eldon, in the notable test-case known as *Craigdallie* v. *Aikman*, laid down a different and sounder principle, namely—that property is held in trust for the principles of the Church and that, in any division, failing proof that the majority had, in the terms of the trust, power to modify these principles, it would be given by the law to the party adhering to those principles.[1] Lord Eldon's doctrine—laid down in a notably clear and convincing opinion—has been the accepted law on the subject ever since. In the present case both parties knew it and accepted it. The law of this case of the Free Church was perfectly simple and even a layman could have stated it. I think one might say that there has never been a case, involving in its result such large issues, in which the legal principle was so simple and so easily reached. All the judges before whom the case came—with the exception of one [2]—were agreed as to the law. What then was the difficult question—so difficult that the supreme tribunal had to re-hear it? The question was a much involved question of history and, to a lesser degree, a very abstruse and profound question in theology. It was practically the question of what was the real meaning of the Disruption and, also, what is the bearing of the Calvinistic doctrine of predestination on the evangelical offer of the Gospel. These certainly are not properly legal questions. Upon these, judges—even the judges of the House of Lords—are in no sense experts. Their decision on them is entitled to respect as that of men of great ability who have

[1] Vide *The Law of Creeds in Scotland*, by A. Taylor Innes, pp. 333 *et seq.* (1st edit.).

[2] Lord Young, in the Inner House of the Court of Session.

carefully weighed the problems set to them—and, indeed, when one thinks of what these problems were, the judges are entitled to sympathy as well as to respect—but it is a decision depending so greatly on theological and historical considerations, that it may be freely criticised, without presumption, by any person competently acquainted with Calvinism and with the Scottish Church.

To turn then to the story of the case. It was when it was carried to the House of Lords, and it was seen that there was the possibility of a sensational decision being given, that it became historical; but the earlier judgments in the Scottish courts deserve notice.

The case was first brought before Lord Low in the Outer House of the Court of Session, and he gave judgment on 9th August 1901. Lord Low decided in favour of the defenders, on the ground that the establishment principle was always a subordinate and not a fundamental doctrine of the Free Church—not so fundamental that the Assembly could not depart from it. He did not altogether admit the right of the Church to make change of every kind in its doctrines: 'large as the powers of the General Assembly of the Free Church, in my opinion, were, I do not think that they were unlimited.' There were, he thought, 'certain doctrines and principles so essential that, without them, the Church would cease to exist.' But he was clear that establishment was not one of these. It was 'one which was regarded as of great importance by the Free Church at the commencement of its history, and naturally so,' but it does not follow it was 'so essential' as to justify the contention of the pursuers. He

found it mentioned in the Disruption Claim and Protest, but 'in a parenthetical way in the clause in which the essential doctrine and fundamental principle of the Headship of Christ is stated.' No doubt, at the Disruption, the founders of the Free Church held the view (as expressed in the Protest of 1843) that it was the magistrate's duty 'to maintain and support an establishment,' but, Lord Low added, it did not follow that that 'view' was fixed and unchangeable. In face of the Act regarding the questions and formula to be put to entrants to the ministry, it seemed to him 'impossible to say that the Free Church regarded any particular method for the fulfilment by the civil magistrate of his duty to the Church as an essential and fundamental doctrine of the Church.' The 'essential' in the principles of the Free Church he found to be spiritual independence, and establishment, however 'important,' was not regarded as affecting its 'identity,' in support of which he quoted the great declaration (drafted by Dr. Candlish and prefixed by the Assembly of 1851 to its issue to its people of the accepted standards of the Church) that 'it is her being free and not her being established that constitutes the real historical and hereditary identity of the Reformed National Church of Scotland.' He was thus of opinion that the Free Church had not given up 'any doctrine or principle which formed an essential or fundamental part of her creed or constitution,' but had only modified a 'view' as to how an essential principle was to be embodied—a modification within the powers of the Assembly. He held the Declaratory Act also a legitimate exercise of the Assembly's powers.

This judgment, whether adequate in its grounds and correct in its opinion or not, is interesting from the well-informed intelligence with which it deals with an historical question. Lord Low was not a member of the Free Church, but he set himself to understand what that Church was both in its principles and its methods. His mind thus accepted the conception of a Church to which views held by its members and even stated in documents were one thing, and fundamental principles to which it specifically pledged its office-bearers were another. He recognised the idea of a living, self-governing body which could modify at least the former and had done so. He read the Disruption with the insight of one who understood an historical problem when he emphasised its contention that it was in 'her being free' that the Church's 'identity' lay. Whether one accepts the conclusion of his decision or not, its historical spirit makes it a model with which I fear we shall find the methods of some of the judges in the Supreme Court compare unfavourably.

The case was appealed to the Inner House of the Court of Session, where it was heard by the Lord Justice-Clerk (Lord Kingsburgh), and Lords Young and Trayner.[1] They gave judgment on 4th July 1902, unanimously dismissing the appeal. However satisfactory from the point of view of the United Free Church this decision was, it cannot be said that all the judgments in the Inner House were beyond criticism. The judgment of the Lord Justice-Clerk was

[1] Lord Moncreiff, the fourth judge of the Court, was absent through ill-health.

substantially sound in its general view as to the freedom of the Free Church, but it was loosely constructed, and it was seriously discounted by some mis-statements of fact. The judgment of Lord Young was out of touch with the law as laid down by Lord Eldon in the *Craigdallie* case already mentioned, and accepted by all parties. Lord Young held that there is 'no rule in law to prevent a dissenting Church from abandoning a religious doctrine or principle, however essential or fundamental,' while, as regards the property, an *ex facie* absolute title in a Church or other association is not to be limited 'by reference, not expressed but assumed to be implied, to essential doctrines and fundamental principles of the Church or association—the questions (for they are many) what these are, being in case of dispute decided by the court as questions of law or fact.' This of course is not the Eldon doctrine. Still, the law of trusts had developed in many respects since Lord Eldon, and Lord Young's obvious sense that this development should apply also to the Church is of interest, if not actually of legal validity. The most valuable judgment given in the Inner House of the Court of Session was that of Lord Trayner. It began by definitely accepting the law as laid down by Lord Eldon, and it admitted that the defenders had abandoned the principle of establishment; but Lord Trayner, like Lord Low, found that that principle was not an essential or fundamental principle of the Free Church, and that its abandonment did not violate the terms of its constitution. His verdict on this is so accurate historically that I shall quote his words:—

'The essential principles of the Free Church, as they were in the earlier years of its history repeated again and again, were the Headship of Christ and the consequent independence of His Church (independence, that is, of the civil ruler) in matters religious or ecclesiastical. The establishment principle is never once referred to as essential or fundamental, nor presented as a principle on the same platform with those I have named. That it was frequently referred to in the Protest and other documents at the time of the Disruption as a principle which, notwithstanding their separation from the State, they still professed, is true, and the Lord Ordinary has shown how natural it was that it should be so. But I repeat it was never set forth as an essential principle of the constitution of the Free Church.'[1]

This is practically the same view as that of Lord Low, and it has the same historical merits that the judgment of the Lord Ordinary had.

So far then as the Scottish courts were concerned, the claim of the dissentient minority against the Union was unanimously dismissed. The result undoubtedly met with practically universal public approval; even the *Scotsman* declaring that a decision the other way would have been 'little short of a national calamity.'[2]

It may be mentioned that, some time before judgment was given in the Inner House, an attempt was made to bring parties together with the view of a settlement out of court. The movement came in the first instance from some in the minority who were not of the extreme type, and they approached the Lord Provost of Glasgow—Sir Samuel Chisholm, Bart. (an elder of the United Free Church)—suggesting that he might ask both parties to a conference. The Lord

[1] *Free Church of Scotland Appeals* (authorised report), 77, 78.
[2] *Scotsman*, 5th July 1902.

Provost felt he could hardly do this without some assurance that it would be acceptable and had some likelihood of success, and in the first instance wrote to each of the members of the Law Committee of the minority asking how they would view 'a conference on the entire subject without prejudice.' The replies were various: some were willing to confer, some not desiring it but prepared to agree to it, some laying down conditions, and at least one (so Sir Samuel Chisholm informs me) was against it altogether. Still, with the desire, most creditable to himself, to aid if possible in relieving the situation, the Lord Provost of Glasgow wrote to Principal Rainy. In reply, Dr. Rainy said that he fully appreciated the motive of the suggestion, but saw 'strong practical difficulties,' adding:—

> 'At the stage now reached, the natural course would seem to be a different one. Either side, if so disposed, can take the responsibility of making proposals to the other in the usual way, and such proposals would no doubt be carefully considered.'

The Lord Provost regretfully felt that the response on either side was not sufficiently encouraging to justify him going further, and the project dropped. While certainly, in one respect, this failure is to be regretted, still it is difficult to see what a conference could have done. With a few of the dissentients a compromise on suitable financial terms might have been possible; but with their extreme leaders, who were dominant in their councils, the contention was that they were and wanted to be declared by law to be the Free Church. It was like the question of the

succession to a title, and hardly admitted of compromise. There was nothing for it but that the claim be withdrawn, which the dissentients would not do, or admitted, which the United Free Church could not do, or left to take its course to the end.

The dissentients—who must have had considerable financial resources—resolved to appeal the case to the House of Lords. The appeal was heard by the House of Lords during eight sittings, beginning on 24th November 1893 and ending on December 7th. There were six judges, namely, the Lord Chancellor (Lord Halsbury), and Lords Davey, Lindley, Macnaghten, Robertson,[1] and Shand. The leading counsel for the United Free Church were Mr. Asher (Dean of Faculty) and Mr. Haldane. I do not propose to describe this hearing, because a second hearing was ordered and it is unnecessary to tell the story twice. The following letter from Principal Rainy to Dr. Ross Taylor will give some idea of how it impressed him :—

'I have just come from the close of the pleading. On Thursday, things looked dark. On Friday morning they improved. Even Robertson ceased to be visibly hostile. And so it was to the end. The Chancellor was much taken up about predestination and perhaps cared less about the civil magistrate : with the others it was quite the other way. I provided Haldane with a dose of the Synod of Dort for him and the old gentleman seemed quite to enjoy it.

'Asher and Haldane, I think, put themselves thoroughly into the case and did their best.

'The point that sticks with the judges is our power to alter the Confession or to depart from the establishment view announced in Disruption documents. They started with the

[1] This is the same J. P. B. Robertson mentioned in vol. ii., p. 65.

view that we were a trust who took money on the strength of certain representations. Have we now the right to hold the money when we have varied our position on one distinct point, unless we can clearly make out that we had a power to vary? That was their first impression and probably continues. But the sense of the magnitude of the case has grown upon them every day. They showed no wish to hurry the pleadings and they showed more and more a wish to understand things. I did not hear very well, but the general impression on our counsel is what I describe.

'Shand seems for us: he is important as he reveals often what the others are saying. Davey had many questions and perhaps more than any one revealed the feeling of having to do with a difficult case. Lindley and Macnaghten made no sign whatever.

'But we can be sure of nothing. The attitude was non-committal. Altogether, although when I came up I was under a good deal of concern, I feel my own mind much more at rest.

'Davey spoke of some of the books referred to as good reading for the Christmas holidays, and Haldane said to me after all was over he doubted if we should have a decision till February. This, if otherwise inconvenient, may be far the best and safest thing, if they started with an unfavourable bias.

'I suppose it may be very good for us to be kept in some anxiety.'

Of this first hearing little more need be said. February passed and no judgment was given. The two Scottish judges—Lord Shand and Lord Robertson—had their opinions written, but apparently some of the others had not reached their conclusions. Then a startling event happened which had fateful consequences for the case. On 6th March 1904, Lord Shand died. It has always been believed, and it has never been denied, that his judgment was in favour of the United Free Church.[1] This means—assuming that the two judges

[1] It is much to be regretted that permission has not been given for the publication of Lord Shand's opinion. It is true it is not technically his

who eventually, after the second hearing, gave also this opinion, would have given it if judgment had been given on the first hearing and before Lord Shand's death—that the House would have been equally divided. It was frequently said, subsequently, that in this case the appeal must have been held to be dismissed, and that thus all the extraordinary confusion which eventually was brought about would have been avoided but for this 'act of God.' But the growing practice in recent years is to order a re-hearing. And plainly this is a proper practice, and no complaint should be made that in this case it was followed.

This re-hearing meant postponement till after the Assemblies of 1904. In these circumstances, it was natural that the thought of compromise should be again mooted. It was first publicly urged by, I believe, an article in the *British Weekly*, which was at once supported by the two most reasonable laymen among the dissentients—Mr. M'Neilage (whose name has already more than once been mentioned) and Mr. Rounsfell Brown. The latter tabled before his own Church an actual proposal—practically a tenth of the funds and also legal expenses. His Assembly discussed the proposal with closed doors; the result was that the offer did not even find a seconder, and the Assembly resolved 'not at this time to move as proposed.' On the same evening that this suggestion was being rejected by the minority, the Law Committee of the United Free Church met and authorised Principal

judgment because it was not actually delivered, and it must be assumed a judge might alter what he had written. But the document would be of historical value. Lord Shand himself is said to have considered it the best opinion he had ever written.

Rainy to make a proposal. This proposal was the maintenance of the *status quo* as regards possession of churches, with facilities for joint use at different hours where that is desirable and feasible ;[1] the minority to share in the Aged and Infirm Ministers' Fund and the Widows' Fund ; the taxed expenses of the lawsuit to be charged to the funds in dispute ; and fifty thousand pounds to be paid to and to be at the disposal of the Assembly of the Church of the minority. The last part of this proposal, it must be stated, was not Principal Rainy's, and he was by no means clear about it. He consulted Mr. Asher, who said that if the case were a mere dispute about money it should be compromised, partly because the Lords were evidently divided on it, and partly from respect to public opinion and what is fair to the minority ; but the difficulty was, it was not a dispute merely about money, but as to the powers and principles of the Church. Dr. Rainy, however, did consent to bring the proposal before the Assembly. He made a very careful and conciliatory speech. He said they must remember that the question was not merely one of property, but ' of vindicating the right of this Church to be this Church,' and especially ' its right to do what it had done in that great and blessed step of union ' ; still they had again and again expressed their desire to keep in view what was fairly due to those who had left. ' The fact that they had separated and that there had been trying circumstances connected with it did not and ought not to make us forget that they are the children of the old Free Church

[1] The object in this latter clause was to prevent unnecessary church building in the Highlands.

still.' It would be, he said, 'a right thing and a welcome thing' that they should have some share in the Church's inheritance. He then detailed and tabled the proposals as given above, and the Assembly endorsed them. It must be admitted that many had the feeling that the proceeding, after what had occurred on the other side, had a futility about it and might indeed be construed into a confession of weakness and apprehension. In making the proposal, Dr. Rainy acted certainly against his earlier judgment—for he wrote Dr. Ross Taylor a few days before, 'for the present, at any rate, I am against it'—and possibly his better judgment. The spirit and motive of it, however, were only good.[1]

The re-hearing of the case in the House of Lords began on 9th June and lasted till the 23rd of the month. Two new judges were present—Lord Alverstone (Lord Chief-Justice) and Lord James of Hereford. The Lord Chancellor stated at the outset that Lord Kinross (Lord President of the Court of Session) had been invited to attend, but that, in view of the opinions which, as the reader is aware, he had already given on the case, he had not thought fit to do so. It must, however, be observed that there were other eminent Scottish judges who were qualified to sit—being peers—as judges in the House of Lords, and it is distinctly to be regretted that in a case of this peculiar

[1] It apparently rankled in the minds of those to whom the offer was made that the £50,000 was not to be taken out of the funds of the Church but raised otherwise, and thus be—so these seemed to feel—a donation from the charity of the United Free Church. But it was not possible or legal to apply any funds of the Church to such a purpose, and this was the only way the money could be offered unless an Act of Parliament were got to divert some fund of the Church.

character, a case less of law than of a nation's ecclesiastical history, the tribunal disposing of an appeal against the decision of a unanimous Scottish bench, should have contained only one member—that member Lord Robertson—who (if the colloquialism be pardoned) 'knew the country.' This remark is not made from any chagrin over the result, for, as things turned out, the inclusion of another Scottish judge would not have altered the result. It is made because it is in the public interest that the supreme tribunal should command in every way the confidence of those whose interests are immediately affected by its decisions.

I cannot in these pages give a full account of this memorable case, the pleadings in which lasted during eight sittings. But there are some features which must be briefly described.

The case for the appellants was opened by Mr. Henry Johnston, K.C. (now Lord Johnston), who expounded the intricacies of Scottish Church History and the mysteries of the theology of predestination for fourteen hours with a steady, relentless, emotionless care. From the forensic point of view, the speech calls for no remark except that the speaker was well-informed, his matter well arranged, and his argument clear and consistent. But from the point of view of the churchman, and particularly of the Free Church of Scotland of which the speaker was the mouthpiece, it was an almost incredible performance. Much of its argument was, from even that point of view, quite legitimate. But its main contentions cannot be described as anything less than sheer treason to all

that the Free Church of Scotland had counted dearest. A crucial part of Mr. Johnston's argument was to show that, if establishment had a place as a principle of the Free Church, then the Church had not power to alter it. To show this, he had to go back upon the whole history of the old Church of Scotland and to examine what legislative powers, if any, it had; for, of course, the Free Church at the Disruption claimed to be the historic Church of Scotland and to inherit all the powers of self-government which it had claimed and exerted. He went over salient points in the history from the Reformation downwards, and at each stage denied there had been any legislative action on the part of the Church or any power at all except as granted or ratified by statute. In 1560, when the Church first met in General Assembly and adopted her first confession, 'it was not a matter of Church but a matter of State';[1] indeed 'there was no Church to act.' Or later, in 1638, when the great Assembly under Alexander Henderson, continuing to sit although the Lord High Commissioner had ordered it to dissolve, 'ordained that episcopal government be holden unlawful' and thus restored the constitution of the Church from the Prelacy the King had tried to impose back to Presbytery—one of the landmarks of Scottish history—this, according to Mr. Johnston, was merely 'declaratory' ('though I do admit, candidly admit,

[1] Knox's view of this may be gathered from his remark when Queen Mary refused to ratify the Church's confession: 'But that we little regarded or yet do regard. For all that we did [in seeking the royal ratification] was to show our debtfull obedience than to beg of them any strength to our religion, which from God hath full power and needeth not the suffrage of men.'

that these acts are couched in language which is of the legislative character'), and moreover was the act of 'an Assembly in revolt' and 'what they were doing was null.' And so on, counsel went through the history. Now there was nothing new in this reading of the story of the Church of Scotland; but what was new—and startlingly new—was to hear it pleaded by one representing the Church of the Disruption. For this is the identical view maintained, and successfully maintained, in the cases that led up to the crisis of 1843 (and in one case, the memorable one of Auchterarder, within these very walls of the House of Lords) *against* the Church; and just because it was successfully maintained then and adopted by the law as the true reading of the history of the Church of Scotland as connected with the State, the party headed by Dr. Chalmers left the Establishment and founded the Free Church of Scotland in which they could hold and exercise the legislative powers of the Church of Scotland 'as heretofore understood.' It is one of those ironies which the spirit of history seems to enjoy that in 1843 the Free Church sacrificed all earthly possessions for the vindication of legislative liberties which she maintained, belonged, both inherently and by statute, to the Church of Scotland, and in 1904, men claiming to be the only faithful representatives of the Free Church were suing for all her earthly possessions by the studiously erastian denial of that assertion. Mr. Johnston's line of argument was not impolitic in view of the predilections of the tribunal, which was, there can surely be no offence in saying, predominantly Anglo-erastian; but in view of those for whom he was

speaking—or rather, not of them but of those to whom they claimed to be the heirs—it was rank treason.

But something further and graver must be said. Mr. Johnston came to the doctrinal question in the case. He read out the terms of the Declaratory Act which, says the Church, 'most earnestly proclaims, as standing in the forefront of the revelation of grace, the love of God—Father, Son and Holy Spirit—to sinners of mankind,' and 'holds that all who hear the Gospel are warranted and required to believe to the saving of their souls,' and that if they perish 'the issue is due to their own rejection of the gospel call,' for 'this Church does not teach and does not regard the Confession as teaching the foreordination of men to death irrespective of their own sins.' These were the words he read, and thereupon Lord Alverstone asked: 'Do you complain of this and say they had no right?' Mr. Johnston replied, 'I do,' adding, 'This is contradictory to chapter iii. and chapter x. in the Westminster Confession,' which are chapters dealing with predestination. Now I do not at this point discuss whether the terms about predestination in the Confession do or do not overrule other terms in it about 'no violence being done to the will' and so on as to permit, when it is construed as a legal document, such a free preaching of the gospel, and such a placing on men the responsibility for its rejection as are in the above sentences from the Declaratory Act. It may be that when a document with these unreconciled statements is brought before a law-court and one set against another, the judge—if he pronounces on the matter—must, by technical construing of the

terms, decide which view, in his opinion, is to be held as ruling the other. But what we have here is not merely the duty—the unwelcome duty—of a legal tribunal; we have the plea—the voluntarily selected plea—of a Church. A Church—to gain a case, to secure property—pled that these views should be so construed as to exclude the 'right' to proclaim the love of God in the forefront of the gospel to sinners and to require them to believe and to lay on their consciences the responsibility of the rejection of this call. When one gets away from the atmosphere of a technical legal discussion and realises again what the Church is and for what the Church exists, then one feels that to characterise this, no words can be too stern. The plea that the Church has 'no right' to preach the gospel in such terms as those which have been quoted was made in the name of the Free Church of Scotland. If there was one thing which was the glory of the Free Church of Scotland it was that she preached the love of God to every man, and laid upon every man the responsibility if he rejected it. One wishes to speak with moderation, but really, in comparison with this, what is the establishment principle but the veriest bagatelle? To say that a Church remains the Free Church of Scotland because it holds to a phrase in a protest about establishment, while it formally disclaims the 'right' to preach this gospel, is, however legally arguable, something simply out of sight of the moral realities of history. And if anything could add to the reprehensibleness of all this, it is that the plea should be made in the name of the Church of Chalmers. If that great man had been living, who would have dared

to use it in his name? Here is Chalmers's gospel on this very matter:—

'There is not an Arminian or Universalist who contended more zealously than we do for the duty of the preacher to urge the offer of the gospel on every man, and the duty of every man to accept of these offers. God has made the salvation of the gospel universal in point of proposition: the fault is man's if it be not universal in effect.'[1]

In all this is again the same irony that I spoke of in connection with Mr. Johnston's erastian reading of the history of the Church. But here is something far graver than irony—something which perhaps it is better not to trust the pen to name.[2]

Mr. Asher and Mr. Haldane again represented the United Free Church. The former had hardly begun when it became apparent that he had to face a critical, and at times a hostile, tribunal. From the very outset much of his speech was a running argument with some of the judges, and especially with the Lord Chancellor, whose mind, from this point forward, was undisguisedly inhospitable to the case of the respondents. Mr. Asher pled resolutely and powerfully a high and large doctrine of Spiritual Independence as the doctrine of the Church he represented, remarking of Mr. Johnston's historical erastianism that one 'would have thought he was representing the case of those who remained in the Establishment

[1] *Institutes of Theology*, Pt. III. ch. vii. The whole chapter, which is on 'The Universality of the Gospel,' breathes the same spirit.

[2] Later, some of the better men in the Church which was Mr. Johnston's clients, tried to make out it was not the free gospel in the Declaratory Act which was objected to, but the principle of modifying the Confession. Counsel drew no such distinction. One willingly believes these men themselves preached a free gospel and human responsibility towards it, but, on their own Church's pleading, they have 'no right' to do it.

in 1843 rather than the case of those who left '—a just and most called-for comment. He gave the genuine Free Church reading of Church of Scotland history, and then expounded the Disruption documents, especially emphasising the Question and Formula of the Free Church, of which he said, 'There is nowhere one would look more directly to find a disclosure of what were the essential doctrines or fundamental principles of the Church,' and which 'take their stand upon spiritual independence as that which is essential and fundamental and nothing else.' On all these matters he did well, facing strongly almost constant argument. But Lord Davey brought up what he called 'the prospectus of the Free Church'—namely, the moderatorial address of Dr. Chalmers on the day of the Disruption, in which the leader of the Free Church declared 'we are not voluntaries' and warned the people against voluntaryism on the one hand as against erastianism on the other. Lord Robertson emerged from his vigilant reticence to emphasise what he called 'the pinch of this address on you.' Mr. Asher had not the best of it here. The reader should note this phase, for it proved crucial. I shall have a good deal to say of it later. The rest of the Dean's able speech, which lasted only an hour less than Mr. Johnston's (but was full of interruptions), need not detain us.

Mr. Haldane, who followed, met with even more frequent opposition. He soon plunged into predestination, and the very air grew metaphysical. Whether or not it was war, it was philosophically magnificent. It may have been that the learned

counsel's aim was to warn the judges off pronouncing on this part of the case as too profound a mystery for dogmatic decision. But at least Lord James refused —as a judge should refuse—to be frightened away from any question submitted to him for judgment, though he somewhat sarcastically remarked that 'he never realised his incapacity to understand things till he heard this argument.' And, of course, nothing would drive the Lord Chancellor away from his favourite Synod of Dort, at every mention of which he stepped in and volunteered some more or less illuminating remark. The controversy between him and Mr. Haldane became strong, and both parties were stubborn. Now the doctrinal issue was simply, as I have said in speaking of Mr. Johnston's argument, the issue of the gospel; and one morning Mr. Haldane began by saying he had 'instructions from his clients' to say they consider this discussion 'as going to nothing short of the right which they claim to determine the form in which they should preach the offer of a free gospel,' that 'they consider it their duty to preach and interpret the Word of God as revealed in Scripture as their only paramount standard,' and that 'they desire to take their stand upon that principle, whatever the consequences.' Whether the United Free Church was right or wrong in this case, no one can say she did not nail her colours to the masthead. Mr. Haldane at length went on to the crucial question of what was the body to whom the funds in dispute were given. He argued immovably and against great opposition that the identity of the Free Church consisted, not in any such doctrine as establishment, but in the living organic

body which had been formed 'under the Headship of Christ and teaching His Word.' The Lord Chancellor said stubbornly, 'The majority of the beneficiaries can never alter the trust.' 'Your Lordship,' replied Mr. Haldane, 'if I may respectfully say so, begs the whole question against me.' The first thing, he maintained, the disruptionists did in 1843 was to constitute themselves 'a Church with certain powers,' and, among these, is 'power to change doctrine, but in order to do that it must be the Church, and it ceases to be the Church if it repudiates certain things vital to its existence—the Headship of Christ, His Word,' and, added Mr. Haldane, 'I think Presbyterian government.' This was the 'trust' with which the case was concerned. He did not shrink from saying the Church was a 'beneficiary'—Lord James had asked if he did—but 'the Church is a beneficiary with these powers.' Otherwise, concluded Mr. Haldane, 'the Disruption was a profound illusion, and the whole conception of my clients has been from the beginning of their history a mistake.'

Mr. Johnston made a comparatively brief reply, in which he very specifically asked judgment on the doctrinal as well as the establishment question, and the Lord Chancellor, at the end, said that their Lordships would consider this case.

Principal Rainy was of course a constant attender during the case, and in daily consultation with the United Free Church counsel. Mr. Asher remarked of him that he had never met with 'a more relevant mind,' and those who knew Mr. Asher will, I think, recognise that from him this expression was almost

the highest form of compliment. I regret that none of Dr. Rainy's legal notes on the case have come into my possession; and his letters during this busy time were naturally brief. The following are a few extracts, giving some of his impressions of the argument and the persons concerned in it :—

'During the pleading for the appellants, the judges appeared to me to be principally anxious to understand their case. The whole pleading was erastian and to that extent easy for English judges. I think Asher has made a distinct impression on the judges, not least when they made interruptions to test his argument. But really, while the Chancellor and Robertson must be supposed against us and we have no reason to doubt that Lindley and Macnaghten are with us, it is mere conjecture as to the others. One likes the keen desire of Lord James to get to the bottom of everything.'

'I think that Asher has impressed the Court and Haldane is doing so. But nothing impresses the Chancellor.'

'I have nothing particular to say additional about the pleadings, only I am told the *Scotsman's* report yesterday, 24th June, which I have not yet read, does not do justice to the energy of Haldane's argument or to his success in his tilts with the Chancellor.'

[To Dr. Ross Taylor.] 'My son [1] had a letter yesterday from —— about being prepared for the consequences of an adverse decision and how we can meet what might prove so disastrous. I have advised my son to reply that we must not give up hope of succeeding. For the rest, we can form no definite plan until we have the exact form into which the decision is cast. Before the pleadings ended, I was privately made aware that one judge had an idea of our being told that in the opinion of the bench, a division between parties was the best way of ending the case. Nothing of that kind appeared, but I am told it may still come to us as a hint or suggestion. It would involve incalculable difficulties for us. Yet it would be difficult to resist if it came to us with adequate authorship. I shall still

[1] Dr. Rolland Rainy, now M.P. for Kilmarnock Burghs.

hope we may not have this difficulty to go through. I abide in the faith that all is in good hands. We may be cast down but not destroyed. And I can see that a "good fight" might be very wholesome for us.'

[To his son George.] 'As to the case, we are now waiting what may be provided for us. What that may be no one can confidently tell. I take a cheerful view: a good many people form their impressions from the Chancellor's utterances and are doleful. The world passeth away. We have in the heavens a more enduring substance. The Lord give us His grace to seek first what endures to life eternal.'

These few extracts give at least a glimpse of the serene spirit in which the old man awaited the blow that was impending. And the following letter to one of the appellants showed how he preserved good feeling even to one of the keenest—though also one of the most respectable—of his opponents. He happened to meet Mr. M'Neilage in the corridor on the last day of the pleading and they shook hands. Principal Rainy, the day after, sent him the following letter:—

'My dear M'Neilage,—I feel that I must write to you. Now that this law business is over for the present it is well to turn to other aspects of things.

'I know you have not approved of various things I have said and done; and I would like you to know that I have been more disposed to give consideration to your censure than to resent it. For the rest, I have all along felt sure of your fidelity to conscience and to our great Master, and have rejoiced in believing in your character as a Christian and your integrity as a man.

'In these proceedings nothing hurt me more than to hear your lawyers trying to persuade the English judges—too easily persuaded—that our Confession is not consistent with a free gospel to mankind. But I am sure that was none of your doing.

'Let us hope that some good is to come out of all these

trying passages. He turneth the shadow of death into the morning.—With kindest regards, your old opponent and old friend, ROBERT RAINY.'

Judgment was given on 1st August. It is a date that already was historical in the annals of the judgments of the House of Lords in connection with Scotland, for on that day in 1746, the House condemned the rebel Jacobite peers—'the greatest and most melancholy scene,' wrote Horace Walpole, 'I ever yet saw.'[1] On that occasion, Walpole tells us, 'when the peers were going to vote, Lord Foley withdrew as too well a wisher'; but nothing of this kind happened in the Church case, and all the seven judges were present and gave their opinions. A few of their fellow peers—the Archbishop of Canterbury prominent among them—attended to hear the judgment, and the general audience was so large that the upper gallery had to be opened. The result had leaked out, and it was even known that the numbers were five to two. Principal Rainy, when informed, made no remark.

It will be convenient at once to summarise the opinions of the seven judges. On the question of establishment, five (Halsbury, Davey, James, Robertson and Alverstone) found there had been a breach of the Free Church constitution; two (Macnaghten and Lindley) held there had not. On the question of predestination only one judge (Halsbury) found a definite doctrinal change, but two (Davey and Robertson) thought the attitude of the Church to the Confession generally had been illegally modified; two (Macnaghten and Lindley) thought there had been no

[1] Letter to Sir Horace Mann, Aug. 1st, 1746.

breach of trust in this respect, while the remaining two (James and Alverstone), having already found ground for deciding the case on the other issue, did not pronounce on this question. The sole basis of the judgment of the House was therefore the establishment principle.

The Lord Chancellor first quoted, at some length, the recognised judgments of Lord Eldon and others as giving the legal principles on which the case must be decided, and concluded, in accordance with these, that ' no question of the majority of persons can affect the question, but the original purpose of the trust must be the guide.' About this was no dispute, and we need not delay over it. Turning next to the question whether the establishment principle was ' an essential principle of the Free Church of Scotland,' he declared there is ' an overwhelming body of evidence in favour of the pursuers.' In support of this, he quoted at great length Dr. Chalmers's moderatorial speech. Then he quoted some ' views ' of the United Presbyterians against establishment, adding ' in fairness ' their statement that this is ' not a term of communion in the United Presbyterian Church,' but this fact, said Lord Halsbury, ' in my opinion does not at all qualify ' the passage he had read. ' Here then,' he went on, ' we have the two bodies,' and ' each of them treats the question as one of religious belief and obligation.' Presbyterians listened with amazement on hearing that their Churches had treated as *de fide* and obligatory, on the one hand, the speech of a Moderator, and, on the other, what Lord Halsbury had himself just admitted was not a term of com-

munion. Then, after a long plunge into predestination (to which I shall refer separately), he inquired into the alleged power to change, failing to find it in the Barrier Act which was practically all he considered in this connection. He concluded by saying that the appellants were entitled to succeed on the further ground than this union with open questions was ' not a union of religious belief,' but only ' a colourable union ' which ' did not constitute a Church at all,' or ' at most would be a Church without a religion.' He moved that the appeal be sustained.

The somewhat lengthy disquisition in the Lord Chancellor's opinion upon the doctrinal issue might be passed over inasmuch as this question, as has been stated, did not form part of the ground of the judgment of the House as a whole. Still, as he himself was, in Dr. Rainy's phrase, ' much taken up about it,' it might be disrespectful to ignore his view ; moreover, as he persistently attempted to force upon churches holding the Westminster Confession, a view of predestination which they have persistently repudiated, it is well that this repudiation be made again. The real difficulty of the writer is to speak of this theological performance on the part of the Lord Chancellor in terms befitting the respect due to the occupant of so eminent a judicial position. One must be permitted to say that Lord Halsbury never once got inside the Calvinism on which he so confidently pronounced. He persisted—most doggedly—in treating it as a fatalism which excludes any libertarian doctrine of the will or assertion of human responsibility. That, perhaps, is Calvinism as its opponents depict it, and among these

are the Greek Councils to which so strangely—and really, pedantically—Lord Halsbury turned. But if he had turned to Calvin himself—one cannot but wonder if he ever read the *Institutio*—he would have found predestination asserted not as the denial of freedom and responsibility but as in harmony with man's natural freedom and as the reason and source of his spiritual freedom, and thus would have found—to use a phrase of Augustine—'the freedom of the will defended in accord with the grace of God.'[1] Calvin says of 'freedom from necessity' (and this includes responsibility) that 'it is so inherent in man that he cannot possibly be deprived of it.'[2] Whether or not this is good theology or even logic, it at least means that no educated theologian has the right to say that the question is settled by merely quoting one against another ('My Lords,' said Lord Halsbury, 'I think it only necessary to put in juxtaposition') the Confession's Calvinism and the assertion of responsibility in the Declaratory Act. It would be just as legitimate to dispose of the doctrine of the Holy and Undivided Trinity by 'setting in juxtaposition' assertions of the unity and others of the plurality in the Divine Being. Similarly, no theologian can say that the question before the House of Lords is settled by the Synod of Dort. The Lord Chancellor was constantly saying that Arminianism was condemned by that Synod, as if the fact settled

[1] *De Corrept. et Gratia*, 17.

[2] *Institutio*, Lib. ii. cap. ii.: '*Sic homini naturaliter inhaereat, ut nequeat ullo modo eripi.*' One may in this connection remark on the curious observations made on the subject by Lord Halsbury during the pleadings. This may suffice as a sample: 'Historically one knows that his [Calvin's] views underwent from time to time great change.' The very last man of whom this can be said is Calvin.

anything in the question before him. The Synod of Dort condemned Arminianism not as an assertion of man's natural freedom and responsibility—the members of the Synod upheld these attributes of man's moral nature [1]—but for affirming that some power remains in him to convert himself to the state of salvation, and this change the Calvinists held to be *wholly* a work of grace. These *distinguos* are known to all informed theologians; and it is impossible to say less than that it was not a creditable thing for any one in the eminent and responsible position of a Lord Chancellor to be found pronouncing on the subject with so much confidence and yet showing no kind of appreciation of them. The present writer feels as much as any one that, when all is said, the human mind, on the fathomless subject of predestination and freedom, where man is at the very limit of knowledge, must come out by the same door as it went in. But Lord Halsbury never even got in.

I may add to these remarks on this matter part of a letter from Principal Rainy to Mr. Asher—a letter from a man who knew the subject :—

'Practically and historically the point is an old one. The Reformation Calvinists united a strong assertion of the doctrine of decrees with a free and unembarrassed use of the general and universal form of speech in reference to the gospel call. In this they followed Luther. As soon as the Calvinistic theologians of the more scholastic type began to straiten their liberty by their definitions, immediately the other side asserted itself. The same points as those on which the Declaratory Act lays stress were asserted in the French Protestant Church by Amyraldus and his followers in the middle of

[1] Vide *Canons of Dort*, iii. and iv., 1, 4, 8, 9, etc.

the seventeenth century. They did so in forms which were new and questionable. But the French Church, which had recently received the Decrees of Dort, as authoritative and binding, declared the teaching of Amyraldus to be not a departure from the Church's doctrine but only a new method of explaining it. In the Church of Scotland, the "Marrow men," as they were called, represented the same interest; and, though the General Assembly condemned the book, they maintained their ground successfully. Once Thomas Boston (in his notes) had disentangled the theological position from the peculiarities and exaggerations of the Marrow, it was no longer questioned that the position could be maintained. Hence both in the Established Church and the Secession, the right to conceive things in this way was a settled point. I have myself heard Dr. Chalmers say that, if he had lived in those days, he would have been a "Marrow man." And that attitude was quite common.

'It does not surprise me that you should judge the position of Calvinism on the one hand and of the Declaratory Act on the other to be mutually exclusive. That can always be argued. Yet the precise point which has been maintained by all the wisest Calvinists for generations has been this—that they had a right to hold both together. . . . The two aspects were held together because both are presented in Scripture *and* because God is held to be so great and so transcendent that modes of relation to us men which we cannot perhaps reconcile, are yet, each of them, realised in Him.'

This digression on the Lord Chancellor's theology has been longer than I have desired, but it is not unnecessary to show how the United Free Church of Scotland is in accord with the whole history of evangelical Protestantism in refusing to be prohibited, by the Calvinistic doctrine of predestination, from the gospel of freedom and responsibility, and also of the love of God to all men which is articulated in the Declaratory Act. The Lord Chancellor's refusal to see this is of personal and psychological rather than

historical and theological interest. Moreover, as has been said, he was the only judge who pronounced on this issue, and it need not be further dealt with.

Lord Macnaghten spoke after the Lord Chancellor. He had said hardly a word throughout the hearing, and had been as unobtrusive as Lord Halsbury had been what the Scotch call 'argifying.' But he struck the spectator as a deadly listener, and certainly, when he rose to give his judgment, he went to the root of things. What was the original 'trust'? Was it 'incapable of growth and development?' Was the Free Church, 'in a word, a dead branch and not a living Church?' 'That is, I think, the real and only question.' He discussed the position of the Church of Scotland as the Free Church party held it, and then of the Free Church itself in taking the step of the Disruption. The Church of Scotland —for example in 1638, at the overthrow of Episcopacy —had claimed to exercise exclusive jurisdiction in its doctrine and discipline; and the Free Church, which upheld the view that that claim was right, did not do less. It was, indeed, in this claim to freedom that Lord Macnaghten found the enthusiasm of the Disruption which was the source of the funds in dispute—certainly far more in this than in a negative injunction in Dr. Chalmers's speech (one of thousands of speeches) against voluntaryism, by which, moreover, was meant something to be classed with anarchy. In view of this, establishment was 'a very small question,' which had occupied too much of the argument. The same reasoning—namely, that the Free Church did not go out as a sect with peculiar cut-and-dried tenets, but claiming to

be and do what they had held the National Church of Scotland to have been and done—applied to the doctrinal question. Lord Macnaghten spoke with great feeling. He had intended to follow his usual practice of not delivering an argued judgment when in the minority. But at the last moment his strong conviction was too much for him, and he read an opinion which in the circumstances may have been open to the criticism of being a trifle rhetorical—*fecit indignatio versus*—but which certainly was illuminative and radical. He thought the appeal should be dismissed, and he warned the House that 'your Lordships' decision to-day will be, for good or evil, of far-reaching and momentous consequences—graver, I think, and more serious than the consequences of any decision in which it has been my lot to take part.'

One advantage in knowing the result beforehand was that the mind was left free to study the judges, and, after Lord Macnaghten, an interesting psychological contrast presented itself as Lord Davey proceeded with his opinion. It is worth recording that Lord Davey—so he himself told Principal Rainy—wrote first an opinion in favour of the United Free Church, but became convinced it was 'not sound in law,' and the judgment he actually gave was for the appellants. This fact considerably illuminates his speech. The crucial point of Lord Davey's judgment was this: your alleged power to change must be made explicit in terms, and should indeed 'be made clear beyond the possibility of question.' He went carefully over act after act, but could not satisfy himself that it was legally provided. As to this, I think the general

remark might be conceded that the liberty of the Church was something the Church of Scotland acted upon as an inherent part of her constitution rather than enacted as something added to it at a particular date.[1] The interesting contrast between Lord Macnaghten and Lord Davey was that the former—though perhaps the most genuinely powerful legal intellect of the whole seven—still took regard, in his answer, to broad historical facts and contentions; the latter, on the other hand, was—I use the phrase in no disrespectful sense—the mere lawyer, going through documents with a legal microscope to see if certain provisions were there in black and white. Their respective views are stated in a passage of a speech made shortly after the judgment by a master of clear and careful statement—Mr. Asquith, the present Prime Minister—whose words I shall quote, all the more as they contain an illuminating reflection which I shall italicise :—

'One view was that the Free Church was intended to be a Church in the full sense of the term, a living organisation with inherent vitality and a power of growth and self-determining personality. The other view was that, so far at any rate as the holding of property is concerned the Free Church must be treated like any other voluntary association—that you must look to the constructing acts and documents, just as in a company you look to the memorandum of association, just as in a family settlement you look to the deed of trust.. *If the fathers of the Disruption could have been summoned from their tombs and asked which of these conflicting views accorded with their intentions, I suppose there is very little doubt what*

[1] At the same time, it is to be noted that (as we shall see) so eminent an authority on trusts as Lord Lindley was satisfied even that it had been provided for.

answer they would have given. But the question put to the House was not one of intention merely but of intention expressed in words and writing.' [1]

This last sentence would be, I presume, Lord Davey's justification for his judgment. The previous sentence (which I have italicised) will be, in the opinion of many, its condemnation. And did not even the Lord Chancellor say the question was what, in fact, the trusters 'thought about it, and what we are constrained to infer would be their view of it if it were possible to consult them'? Whether or not it is sound for a lawyer to take large views of history is perhaps not for a layman to presume to say. Some persons will no doubt cite Lord Davey's revised judgment as a fine example of pure fidelity to what to him seemed the law; others may think it rather an illustration of how law may narrow a man's mind as well as sharpen it, and may lead it, with great precision of reasoning, to a conclusion which is not in accord with substantial truth. It is to be admitted that there are times when, inevitably, the letter of the law must be followed even if it diverge from equity. But a great judge should never let law distort fact.

The judgment of Lord James, who came next, does not call for detailed remark, not because it was unimportant, but because it followed very simple and straightforward lines. Lord James found the establishment principle not only in the documents of the Free Church, but also in the Confession (which was more than Lord Davey did) and, in particular, in the address of Dr. Chalmers, to which he thought 'great

[1] Speech on 11th August 1904.

importance should be attached'; and he did not admit any power to change 'such fundamental doctrine.' He concluded with an unusual remark. 'At the risk,' he said, 'of exceeding my duty, I venture to express the sincere hope that some way will be found to avoid the capture by either litigant of any spoils of war.' The motive and spirit of the remark are entitled to respect, but if Lord James imagined, as these words suggest he did, that this case was largely an academic dispute on a point merely of abstract principle, it indicated how remote he was from the actual realities of the situation in Scotland. Still, no one will question the sincerity of Lord James's assurance that his judgment was given 'after very earnest consideration.'

By this time, the appellants knew that they had won their case. Of the total of seven judges in the House, three had already pronounced for them, and the man on whom they probably most surely counted was yet to come.

He came next. Lord Robertson—a man of whom one really must be allowed to say that his undeniable abilities were equalled only by his undisguisable antipathies—gave a very exhaustive judgment, and gave it with a zest which showed how keen was his interest in the case. It is impossible to summarise it here, not only because of its length, but also because it was not based on some general ground, but traversed a series of matters which it would take far too long to recapitulate. Lord Robertson's speech was full of points—some of them made with great acuteness as well as with admirable literary lucidity and force. He

went into criticism in some detail of the judgments of the lower courts, fastening keenly on blunders in them. He went over the documents and the history with a very exact scrutiny. One new point to which he attached great importance was that Dr. Chalmers's moderatorial address was 'conclusive' of the refusal of the Free Church in 1843 to coalesce with voluntaries: 'the just inference seems to be that the founders of the Free Church deemed the difference between themselves and the voluntaries so vital that the duty of Christian unity must give way to the more imperious duty of Christian fidelity to truth.' On this I shall comment later. He found the *raison d'être* of the Free Church 'extremely special and limited,' which the respondents forgot when, 'contemplating themselves as a Christian Church,' they 'measure the importance of any doctrine in relation to Christianity as a whole and not with reference to their own distinctive origin.' It is indeed difficult to discover in the *animus* of a remark such as this, any trace of either the historical or the judicial spirit. Surely every fair-minded man will say that the Church of the Disruption claimed to be the Church of Scotland—however impossible the claim was legally or may have been even religiously. And surely, in turn, the Church of Scotland had contemplated itself 'as a Christian Church,' and had viewed its doctrines 'in relation to Christianity as a whole.' On another point Lord Robertson was very emphatic. Speaking of the claim to change doctrine, he said :—

'I find nothing from beginning to end which supports the theory that the Church of Scotland exercised or claimed

the right to alter doctrine which she had asserted to be scriptural.'

I recall the most positive emphasis of tone with which these sentences, and especially the last words, were said: it was such as almost to make one think the remark must be accurate. But what is the fact? The very first Confession adopted by the Church was declared to be 'hailsome and sound doctrine, groundit upon the infallible trewth of Godis word'; yet of this very Confession, it is immediately intimated thus:—

'Gif ony man will note in this oure confession any article or sentences repugning to Godis holie word, that it would pleis him of his gentilness, and for Christiane Cherities saik, to admoneise us of the samyn in writ; and We of our honour and fidelitie do promeis unto him, satisfaction fra the mouth of God (that is, fra his holy Scriptures) or ellis reformatioun of that quhilk he sell prove to be amyss.'

The claim that the United Free Church was making in 1904 to hold her Confessions alterable subject only to Christ's Word as her only supreme standard could not be made more clearly than in these words of 1561. One other remark of Lord Robertson's must be recalled, for it was commented on in many quarters. Speaking in meaningfully incisive tones and straight at Principal Rainy across the floor, he said:—

'It is honourable to the United Presbyterian Church that, in good times and in bad, it has never used ambiguous language or nicely balanced phrases about this matter and has never sailed under false colours.'

Of this, with its obvious innuendo, it is perhaps enough to say here that it was characteristic of the man rather than worthy of the judge.

The next judgment was Lord Lindley's, and it was the finest of the series. I say this not because it was in favour of the United Free Church, but because of its intellectual qualities. It was so perfectly to the point and so free from redundance and repetition, that it was an intellectual pleasure to listen to it, apart altogether from any agreement with its conclusion. 'The whole controversy,' said Lord Lindley, 'turns on the powers of the General Assembly of the Free Church.' The powers of the Assembly of the Church of Scotland, as originally established, he found in the Second Book of Discipline and the Confession. In the former is 'a very large legislative power' to 'abrogate and abolish statutes,' and in the latter, a power 'of interpreting Holy Scripture and the various articles of the Confession,' infallibility in this being specifically disclaimed, from which it would seem to follow that such interpretations may be modified or rejected later. With these powers he found a condition—'that they shall be used *bona-fide* for the purposes for which they were conferred.' If under colour of using these powers, a council were to destroy the Church or 'the doctrine they were appointed to maintain,' that would be *ultra vires* and the civil court should regard it as such if a question involving civil rights arose. That (as I take it) means that Lord Lindley perceived that while the power of change may be admitted, still it must be recognised that there is such a thing as apostasy, though it may not be easy to define what or where that is. On this he said :—

'I cannot agree with those who contend that the powers of the General Assembly as declared in these documents are

unlimited ; but I am not able myself to define the limits of its authority more accurately than above stated. . . . Great as the powers are, they are limited by what can be found in the Scriptures. The Church must be a Christian Church and a Reformed Protestant Church. So far is plain. I should myself think that it must be a Presbyterian Church. But this question is disputable and happily does not arise.'

All this ' very extensive but not accurately defined power both as to doctrine and government ' was—when denied by the State—claimed and carried over by the Free Church as separate from the State, and was, moreover, added to. From all this Lord Lindley drew the following pregnant conclusion :—

' These powers are, in my opinion, as fundamental in the constitution of the Free Church of Scotland and as essential to its preservation as any of the doctrines of the Confession or other subordinate standards.'

Let any unprejudiced mind compare this view with Lord Robertson's ' extremely special and limited *raison d'être* of the Free Church ' and say on which side historical truth lies. ' Both appeals,' Lord Lindley went on, ' are based on the erroneous view that the Free Church had no freedom.' He could not so regard it : ' the struggle for liberty was not so abortive as that.' He made brief reference to some minor points, saying of Dr. Chalmers's address that while it shows he would have opposed the change, ' it does not follow that he would have denied the power of the Assembly to change,' and ended by declaring that ' in passing the Declaratory Act of 1892 and the Union of 1900, I can discover nothing *ultra vires* or contrary to law.' It is true that this opinion of Lord Lindley was not that

sustained by the House; on the other hand it will always remain an opinion of great weight, not only from its intellectual interest but because it came from one who is recognised as the most eminent authority in the land on the law of trusts.

The last opinion was that of Lord Alverstone. It was somewhat long, but as it traversed much of the same ground that others had done, it is not necessary to go into it. Lord Alverstone was very clear that establishment was repeatedly affirmed as a fundamental principle of the Church and was 'satisfied' from Dr. Chalmers's speech that 'he at least' made it so—another of those remarks that sounded so curiously in Presbyterian ears, as if a man by saying a thing in a Moderator's address or even the Assembly by publishing the address, thereby made it a principle of the Church. The alleged power to change, Lord Alverstone treated with what one must be allowed to call a very superficial consideration. If establishment is in the Confession and in the Free Church documents, 'I am,' he said, 'utterly at a loss to understand on what ground it can be said that the Assembly, either of the Established Church or the Free Church, had the right to permit its ministers and elders to depart from it'; and thereupon, with a mere glance at the Barrier Act, he dismissed the question which Lord Lindley had called the 'one crucial question' and had thought it worth while to devote his whole judgment to elucidate. Might it be made clear to Lord Alverstone in this way? If he had been living in Scotland in 1638, I am sure he would have been 'at a loss to understand on what ground' the Assembly, in that famous year, claimed

the 'right,' and that despite the Royal Commissioner's protest, to 'depart from' Episcopacy and its attendant doctrines. But they claimed it and acted on it; and their 'ground' they affirmed to be that 'Christ as Head of the Church hath therein appointed a government in the hands of Church officers distinct from the civil magistrate.' It may be, and it apparently is, difficult for an Anglican who is an erastian, habituated to the powerlessness of ecclesiastical convocations and congresses, to 'understand' this or take it seriously, and of course erastianism rejects it. But surely, Lord Alverstone in this case should have got himself to understand it, and then, and far more thoroughly than by a mere glance at the Barrier Act, inquired whether that principle is not a fundamental one of the Free Church constitution—more important even than establishment itself. Of Lord Alverstone personally one would say nothing but what is respectful, but, as regards his judgment, it must be said that it was unfortunate that this closing opinion should so inevitably revive the feeling awakened by the opening one, of how much the main plea of the United Free Church suffered from the change in climate when taken from Scotland to England.

The Lord Chancellor put the question and declared 'the contents have it,' and then left the Woolsack with an easy air, relieved no doubt that this long case was done. But there are events which are less things done than things begun. A member of the House is said to have remarked after the judgment, 'These men do not know what they have done to-day.' Indeed, they did not know. They thought they had settled

the question of the property of the Free Church of Scotland ; but, as a line of Browning puts it :—

'There 's a superstructure : wait a bit.'

In the sequel yet to be told we shall find abundant material for comment on this judgment. Meantime, and before we pass on to deal with the extraordinary questions which it raised and the unprecedented solution of them which had to be found, it is necessary to point out the extreme dubiety—to use a gentle term—of the historical reasoning on which it was based. I shall not here refer to the larger and far more important question of the claim of the Church to be free to change her doctrine within certain limits : that will emerge in the next chapters. But, confining attention to the smaller and purely historical question as to whether establishment was or was not a binding principle of the Free Church, I ask the reader to consider whether the following considerations and facts do not show the judges of the majority to have been on this point in demonstrable historical error. There is no doubt as to what the evidence on this question was. It was, first, the Claim and Protest and other Disruption documents, and, secondly, the moderatorial speech of Dr. Chalmers, which was called 'the prospectus of the Association' and was undoubtedly regarded as very important evidence.

The conclusion that establishment is a fundamental, essential, binding or fixed principle of the Free Church of Scotland because it was stated in the Claim and Protest is unhistorical, for this plain reason—that the identical Disruption Church, at the earliest reasonably

possible moment and in the only constitutional way of doing so, decided it was not. I refer, of course, to the fact of which a somewhat full account has been given in a much earlier chapter, that, immediately upon the Disruption, the Church definitely and formally considered to what degree these documents should be made binding, and deliberately — as I brought forward evidence to show—omitted any reference to establishment and bound the Church's office-bearers only to the general principles of these documents and their general principles as regards, not Establishment, but Spiritual Independence.[1] This, beyond all question, is the constitutional way by which a Presbyterian Church determines what is binding principle. I should be very sorry indeed to think that I, as a Presbyterian minister, am bound to any general documents even though adopted by the Assembly. I am bound to what the Church requires me to subscribe. Here was the constitutional way by which the judges should have estimated what is fundamental in the Free Church. The Scottish judges knew that, and thus, for example, Lord Trayner said 'the principle in question was never *de fide*.' The English judges were told it but would not take it in; and thus the Lord Chancellor jumped from certain 'views' of the founders of the trust to the 'body's' 'religious belief and obligation,' without any consciousness of the hiatus. The broad, indisputable historical fact is that the 'body,' in fixing what was to be made matter of 'religious belief and obligation,' and im-

[1] *Vide* vol. i., pp. 156-61. I must particularly request the reader, who may have forgotten this earlier part of the book, to turn back to it here.

posed as such on all holders of office, distinctly, and intentionally omitted establishment in the question bearing on the subject. If it be replied that this was not completed till 1845 or 1846 and is therefore too late, then all one can say is that if that be the law, it means law is a quibbler incapable of dealing with history. There is no shadow of a doubt that the Church which did what I have just indicated was the identical Disruption Church, acting in this matter as soon as was reasonably possible. I therefore repeat the broad fact that the judges of the majority insisted in treating as binding the very thing which the indisputably genuine Disruption Church, by the constitutional form for doing so, deliberately decided should not be made binding.

I turn now to Dr. Chalmers's address. It was called the 'prospectus of the Association,' and regarded as of very great importance by judge after judge, not only because of the eminence of the speaker, but still more because he was Moderator and because the Assembly authorised its publication. But, again, as a Presbyterian minister I am not bound by any man's speech, however eminent he may be, and even though he be a Moderator, and even though the speech is published by the Assembly's authority. Presbyterianism binds its office-bearers in the way I have above stated and in no other way. But it so happens that in the matter of this particular address of Dr. Chalmers, and in regard to the very portion of it on which the House of Lords judges fastened, this has been historically demonstrated in a remarkable way. The facts about this address are the following, and they are worthy

of the attention of the reader—whether or not he was a judge in the case—who may have been led to take Dr. Chalmers's statements in it about voluntaryism and the relation of the Free Church to voluntary Churches as binding that Church to establishment as a fundamental principle prohibitive of such a union as that of 1900. As to its publication, the whole day's proceedings were ordered to be published (for obvious reasons) as a 'simple gazette': to take even the Moderator's speech out of this and call it 'the prospectus of the Association' is surely unwarranted. The passage in that speech—'we are not voluntaries,' and so on—which the judges quoted so much, awoke immediate objection within the Free Church. So much was this the case, that within two days Dr. Chalmers had to refer to it, and this is what he said :—

'Before I conclude I have one thing to state to which I would request the attention of our voluntary friends who may be present. I do not know anything that has more annoyed me than the report of the speech I gave from the chair in which I am represented as saying that I can hold no communion with those that hold the voluntary principle. Now I said no such thing. I did not ask them to renounce their principle, and all I ask at their hands is that they will not ask me to renounce my principle. It was a point of difference between us, but I expressly said it was *a point about which we could agree to differ.*'

Then he went on to speak of union—'ostensible union'—and to advocate immediate co-operation, 'although it may be the work of years' before 'that union can be so complete as to come to incorporation.' This is Dr. Chalmers speaking to the Assembly of the Free Church two days after the Disruption. A few days later, Dr. Guthrie referred with delight to what he

called Dr. Chalmers's 'explanation,' and went on to say, 'I am for the Union—in the meantime in the way of co-operation, but we cannot stop there'; and his whole speech was received with what the *Witness* calls 'immense applause.' These are the facts about 'the prospectus of the Association.' It may be added that only about six weeks later, Dr. Chalmers, speaking at a celebration of the bicentenary of the Westminster Confession, declared as follows:—

'Between the Free Church of Scotland and the Presbyterian dissenters of that country, there was no difference of government and no difference of theology which he was aware of, or, in other words, no insuperable barrier—he would not say in the way of immediate, but in the way of an eventual and he hoped a speedy incorporation.'

Further evidence on the subject lies to hand, but is it necessary? May it not be said with confidence, that the above facts are sufficient to show that both the emphasis and the construction the judges of the majority put on this address of Dr. Chalmers are utterly unhistorical? To take three sentences from their remarks on it almost at random. Lord Robertson, as I have already mentioned, said the address is 'conclusive' that the Free Church 'declined to coalesce with voluntaries,' because 'that would be against our principles': here is Dr. Chalmers openly paving the way to that union by advocating immediate co-operation, and declaring within a few weeks of the Disruption that there is 'no insuperable barrier' to what he hoped would be 'a speedy union.' Lord James asked if those who 'listened to the appeal of Dr. Chalmers' would have regarded the principle

of establishment as 'non-essential,' and he answered, 'I think not': those listeners heard Dr. Chalmers himself explain that the 'point' of difference between them was 'a point about which we could agree to differ.' And Lord Alverstone said that 'at that date union between the Free Church and either of the Churches subsequently forming the United Presbyterian Church would have been out of the question': yet Dr. Chalmers and Dr. Guthrie raised the idea in the very Disruption Assembly, and it was hailed with 'immense applause.' In face of the facts that have been given, are not such *dicta* as those of the judges I have quoted palpably untenable, and indeed does not the whole assertion that establishment was a fixed fundamental principle of the Free Church become an historical absurdity?

Now it will be said that the judges did not know all these facts. And that is true. Certainly this goes far to mitigate any censure that must otherwise be passed on them for proved historical errors in a matter which they admitted was a great factor in framing their opinions. But this is not to say they are wholly exculpated. They are not to blame for being unacquainted with all these historical facts, for these were not pointed out to them at the time; but they were warned that that was not the path along which to look for a Presbyterian Church's binding principles. The judges of the majority persistently chose to regard the Free Church as they would a mercantile company. They said: here is the prospectus, here is the chairman's speech, and here we shall get the terms of the trust. The answers by the United Free Church told them the

right and constitutional plan to find a Presbyterian Church's fixed principles—namely in its imposed formula and questions—but they disregarded this and, in their opinions, gave it hardly a glance. The result is this. Lord Macnaghten and Lord Lindley did not turn aside to a scrap of even a Moderator's speech in search of a Church's fixed principles, and their reward is that (whether these opinions on the whole case be right or wrong) they are the only two judges whose judgments have not been convicted of demonstrable historical blunders. The others pursued their way, making the most sweeping historical generalisations from data both illegitimate and insufficient for the purpose, and must now bear the historical consequences. People who meet with accidents in a place where they have no business to be are entitled to some, but not too much, sympathy.

But as to any question of blame I have no wish to say much. It is enough for the purposes of history to show that the most explicit argument with the judges in favour of the contention that establishment was to Dr. Chalmers and the Disruption Assembly a principle prohibitive of the Union is, on further historical investigation, simply exploded. And the explosion blows up the whole case as to establishment, which, be it remembered, was the one point upon which the judgment of the House was given. For is it not palpably absurd to say that that is a fundamental principle of the Free Church which, in the circumstances I have mentioned, Dr. Chalmers explicitly declared to be 'a point about which we could agree to differ,' and to veto, as prohibited by the standpoint of

the Disruption fathers, a union which was anticipated by him and others even in the Disruption Assembly?

These remarks might easily be prolonged, but there is no need. Personally, if he may say so, the writer attaches comparatively little importance to whether or not the Church has changed on this point. The vital thing from his point of view as a churchman is the claim of a living Church to be free to change in obedience only to Christ's Word as the Church's only supreme standard. But we are here concerned with history, and, as was said at the outset of this chapter, the authors of this judgment must stand at the bar of history. It was therefore right and necessary to show that on essential historical matters they are found to be in error—matters indeed so essential that, if they are wrong here, they may well reconsider whether, as an historical verdict, their judgment is not wholly wrong. It is a pity the case cannot have a third hearing: if all stories about the majority judges are true, the result might be interesting.

Wrong, however, or right, the judgment was given. The House rose and the crowd from the galleries gathered in the lobby. One personality was in the thought of many minds, and when Principal Rainy emerged from the door of the House every eye was fastened upon him. He stood for a moment in an easy attitude with a serene gravity of expression on his countenance. It has been stated more than once in public print that he was, for the time, stunned by the blow. Nothing could be further from the fact. As his attitude of mind at this moment when the supreme crisis of his fortunes had fallen upon him is

of legitimate historical interest, I shall mention the following incidents, which give the first words he spoke (and in the circumstances, I need not apologise for the necessary quotation along with them of words of my own), and show the direction to which he at once turned. Finding myself standing within a yard of the Principal, I ventured to step forward to shake hands. He returned the greeting with his accustomed friendliness, and then, speaking in his usual tones, said, 'Well, Carnegie, what do you think of it?' It was said in almost an off-hand way as if the matter referred to was a curious incident. The reply (which is quoted to make his reply to it intelligible) was, 'Whatever one's thoughts are, Mr. Principal, they do not take the form of any kind of resiling from the two things we've done.' He turned with a swiftly searching look: one not only saw right into the usually impenetrable and half-closed blue eyes, but seemed almost physically to feel the force of the living personality which resided somewhere within. Then—quietly, but with that ring of authoritative finality which those who have heard Dr. Rainy utter a decisive word must be able to recall—he said, 'We'll *never* do that.' At this moment Mr. Haldane came up, and the Principal took his arm and they passed out. Mr. Haldane's account of what occurred is as follows:—

'We walked in silence till he was seated in the library of my house. Then he spoke. His mind was made up. Not for one instant did he lose courage or look back on the course his Church had taken under his leadership. The future was not clear, but his duty was clear to him. The one expression of regret that fell from his lips was that he was old. But that he was old did not affect his resolution. If the Church was

prepared to follow, he was prepared to lead, and the line of action was plain to him. I felt that I was in the presence of a man of the rare order that rises in strength as the tide of misfortune rises.'

In half an hour these two had talked over the main lines of how the situation, was to be met, and, it may be added, an emergency fund was, on the suggestion of Mr. Haldane, started on the spot. As has just been said, Dr. Rainy's one regret was that he was not younger. He was approaching his seventy-ninth year when his fortunes thus crashed over his head and he was called to the supreme effort of his life. And the years are something against which even the bravest fight a losing battle.

CHAPTER XXVI

THE CRISIS: THIRD MODERATORSHIP

FEW men recognise their mercies, and it is not likely that the majority judges have ever been sufficiently grateful for the fact that an indulgent Providence has spared them and the world the spectacle of seeing this great judgment come into actual being. The effect would have been to make the very name of justice both a laughing-stock and a scandal. The entire property of the Free Church of Scotland, which was a Church with some eleven hundred ministers, three fully equipped theological colleges, and a missionary organisation which ranked second or third among the Protestant missions of the world, was given over—or rather was ordered to be given over—to a Church with some score and a half of ministers, one professor with (it was said) three students, and not a single missionary. It is difficult to record on the pages of sober history that this was done on the principle, as the Lord Chancellor repeatedly put it, of securing that 'the intentions of the donors of the property are carried out.' This would seem to mean that in the opinion of the majority judges the intentions of the donors of, for example, the mission funds of the Church, are better carried out by the missions being paralysed and indeed (so far as the Free Church is concerned) simply stopped, than if the gospel is preached to the

heathen by persons sent from a Church which does not uphold as a fundamental principle the theory of an establishment. 'That,' as Mrs. Bertram in *Guy Mannering* once said to her husband, 'sounds like nonsense, my dear.' 'May be so, my dear,' replied the magistrate, 'but it may be very good law for all that.' [1]

It is sometimes said that for this chaotic and calamitous result of their judgment, the judges in the House of Lords must not be blamed, for their business was simply to declare the law, whatever the consequences were. This defence is inappropriate and inadequate. The property in question was not private, but trust property, and therefore the question before the House was not only who had broken the trust, but also and equally who should and could discharge it. It was not an issue between two private individuals over some personal possession; and one may add here that Lord Robertson's emphatic declaration in the case that 'since the days of Cyrus it has been held that justice is done by giving people not what fits them but what belongs to them' was therefore quite irrelevant, for the *dictum*, admirable in any question about private possessions, has simply no bearing whatever on property which is held in trust. But, it may be asked, could the judges, having come to the conclusion that the United Free Church had violated the trust, do other than they did? It is a mistake to assume that this question must be answered in the negative. From the conclusion they adopted, the judges were certainly bound to declare that the property must not be used by those who, in their opinion, had violated the terms

[1] *Guy Mannering*, ch. ix.

of the trust—namely, the respondents. But it by no means follows that then they were bound to hand it over without question to the appellants. What, in the opinion of high authorities, they could have done, and what, I venture to think, few persons looking to subsequent events will deny that, if they could, they should have done, is something such as the following: having declared the true constitution of the trust and its violation, thereafter to have remitted the case to the Court of Session with a discretion to inquire whether the appellants or any other (and, if so, what other) persons were proper persons to administer the trust, and even whether the public interest was not such that, by application to the equitable jurisdiction of the court or otherwise, a remodelled form of the trust ought not to be framed. If they had viewed the matter in this way, they would have declined to proceed offhand further than the declaration and interdict, thus allowing time for examination and application, and meanwhile, if necessary, appointing a curator. If a course such as the above was within the judges' competency, I am sure no one who has lived through the confusion produced in Scotland by their decision, will say it would not have been their wisdom. Instead of this, and although the Lord Chancellor declared that the question before them was 'the due administration of the trust,' they handed the whole property over to a competing body without any inquiry as to whether that body would or could duly administer it, or indeed administer it at all. The result was chaos throughout a whole country, scandal to the sacred name of justice, and, finally, the necessity for

parliamentary reversal in a form unprecedented in British legal annals (and surely peculiarly abhorrent to the House of Lords), for it was the compulsory taking away of property from people who held it by a title given them the day before by the supreme tribunal of the land. If this trouble, this scandal and this attack on 'the rights of property' were avoidable—and it has been indicated that they were—those whose action occasioned it cannot, in the public interest, be absolved from criticism. For it is not in the public interest that a great judicial decision should occasion a national scandal, and it is not in the public interest that the law should give one day and the State take away the next. That the judgment was wrong in its historical basis has been argued in the last chapter; but this, of course, is matter of opinion. That it was, in its form and application and result, a blunder is matter less of opinion than of indisputable observation, and if it was avoidable, it is surely matter of regret and for criticism that it was not avoided. A tribunal should not avoidably plunge a nation into confusion, expose the name of justice to scoffing, and make Parliament take away legally given property. It is said the tribunal did not know the situation. A well-authenticated story is told of one of the judges, whom I shall not name, who said: 'If we had known, we should have made provision.' This is not an excuse: it is an aggravation. And at least the Scottish judge among the seven must have known. It is further said that the expectation in high quarters was that, on the House of Lords deciding as it did, the Church would dissolve the Union and all trouble be averted.

This was to repeat the ignorance of Scottish religious character and conviction shown by Peel and Graham before the Disruption. Finally it is said — and in this defence is more reason—that this incapacity of the minority to administer the trust was not pled at the bar by the respondents. Of course it was not ; for it was no part of their case, which was that the property belonged to the United Free Church. When the Lords decided against this, then and for the first time the question emerged whether, on the other hand, the Free Church could administer the property. It was the decision as to principle by the Lords which raised this question, and it seems clearly within the competency of the House, which has complete dominion over its own proceedings, to remit that for inquiry. Instead of doing anything of the kind, they settled the matter offhand, with the grotesque, disastrous and impossible results which are known, making their judgment, whatever it was in law, a scandal in practice which will not readily be forgotten or forgiven.

We must, however, turn from the authors of this scandal to the facts concerning it. The situation was something unthinkable. If the whole of the property and funds and machinery of the Church of England were suddenly given to the diocese of Sodor and Man, that might give an idea of its far-reaching effects. But this is a mere supposition : in Scotland the thing was law, fact, existence. The first indication of how it was received in Scotland is naturally to be found in the Scottish press on the morning after the judgment. With one notable exception, the representative organs

of public opinion—by no means habitually favourable to the interests of the United Free Church—were aghast. The *Glasgow Herald*—a journal representative of studiously moderate opinion in a great commercial centre—summed up the general verdict in the word 'monstrous.' The exception referred to was the *Scotsman*, which, although it had declared when the Court of Session decided for the United Free Church, that any other decision would have been 'a national calamity,' now, when this calamity had happened, poured out its long-hoarded animus against Principal Rainy in articles of extraordinary vehemence, rejoicing in the 'punishment' which had fallen upon his 'tergiversation' and the 'stamp of dishonesty' put on the position of the United Free Church by the judgment, which, this journal added, 'will be endorsed in the future by all who give attention to the subject.'[1] This was, however, not only exceptional but overdone, and I think it was generally felt to be more injurious to its author than its object. The attitude of the *Times* was that an 'abuse of the victory would be a national catastrophe which must be averted,' and that 'if the victors press the victory too far, the legislature would not hesitate to correct and develop the law so as to harmonise it with facts.'[2] The subject was at once mentioned in Parliament, and the very day after the decision Mr. Edmund Robertson (now Lord Lochee) asked the Prime Minister if the Government had considered it and were prepared to make any statement as to legislative action. Mr. Balfour replied that the

[1] *Scotsman*, August 2nd and 3rd, 1904.
[2] *Times*, August 2nd, 1904.

Government had not yet considered it, and he had no statement to make 'at present.' The situation, it may be added, had been privately represented to Mr. Balfour, and I am told he showed an entire appreciation of its extraordinary character; but, obviously, his position was not an easy one, and moreover for any leader, and more particularly the leader of the Conservative party, to propose to take property away from persons to whom it had been legally allotted, was a thing requiring great caution from even the party point of view. Meanwhile, opinions on the judgment itself were freely given on all sides. I shall quote one which is of interest because it came from Lord Halsbury's successor on the Woolsack, and therefore from one who would have presided over the case if its date had been a little later. Sir Robert Reid—now Lord Chancellor Loreburn—'gave it as his opinion that the body which entered into union with the United Presbyterian Church in 1900 was the Free Church and, as such, was entitled to take into the Union with it the temporalities of the Free Church.'[1] The obvious want of unanimity among legal authorities as to the rightness of the judgment itself,[2] and further the palpable practical scandal which was resulting from

[1] *Scotsman*, 6th August 1904.

[2] It may be useful to tabulate this 'want of unanimity.' Of the eleven judges who pronounced formal decision, six were in favour of the United Free Church and five against. But to the six may really (though, of course, not technically) be added the opinion universally ascribed to Lord Shand and also that of Lord President Kinross which the reader knows. And here we have the opinion of Lord Halsbury's successor. In these circumstances it is useless to expect the public to have confidence in the decision of the House of Lords majority as right. The views of other learned judges are known to the writer, but it would not be fair to publish them here, however great may be the temptation.

it, combined to produce towards it, at least in Scotland, an utterly unparalleled state of feeling.

Within the United Free Church there was immediate action. An informal conference was held in Edinburgh on the afternoon of the day after the judgment, and a pastoral letter, signed by the Moderator and ex-Moderator of Assembly, was drafted to be sent out to all ministers in view of the coming Sunday. It was a document clear as to the issues — 'once again, apparently, we are to endure the loss of possessions for obedience to what we regard as the will of Christ and for practically asserting the inalienable liberties of the Church,' which 'we supposed to be written as a sunbeam on the face of the documents of 1843'— and it called on the Church to stand by a principle 'which is worth suffering for.' It deprecated 'bitterness, anger and clamour towards those who have been successful.' And it was full of trust 'that our Heavenly Father has wise and good ends in calling us to pass through this ordeal.' The conference dealt also with another question. The House of Lords had taken away the whole machinery of the greater part of the United Free Church. There was a suggestion that the United Church should simply vacate every church, manse, college, mission station. If this had been a war of this world only, it would have been the best thing to do. It would have overwhelmed the legal Free Church even financially almost immediately.[1] But obviously there were higher interests to think of,

[1] An impending charge of some £40,000 for feu-duties would alone have done this. Of course all the funds allotted to the appellants were in trust for specific purposes and not available for current expenses.

and in obedience to them this United Free Church conference sent a communication to the agents of the victors asking their 'intentions as to the use of the property during the ensuing few months,' and offering to have a conference on the subject between the two Churches. The reply to this we shall see presently. The reply to the pastoral letter was manifest on the succeeding Sunday, when practically every pulpit dealt with the Church situation and duty. There could be no doubt as to the result. The Church was solid as rock so far as the ministry, at least, was concerned, and that in the formerly United Presbyterian quite as much as in the Free Church section. Already, indeed, men began to see that the judgment, instead of tending to dissolve the Union, had welded it as absolutely nothing else had done or could have done. Many who hitherto had merely approved of the Union, and that perhaps a little coldly, came now to glory in it because a great principle of Church life and liberty had become bound up with it. 'There 's a hard time in front of us,' Dr. Rainy said one day to a friend, 'a hard time; but we 'll get through.'

Principal Rainy's correspondence during these days is full of interest but so voluminous that to quote it would fill this chapter. A few letters are abusive, bidding him admit his folly and go back. A few others suggest wild and futile schemes of general reunion. But the mass are full of the profoundest sympathy. Leaders of the Evangelical Churches in England and elsewhere write. The Australian Presbyterian Church telegraphs its 'indignation,' and this was the first of over fifty similar messages from Churches. Sir

Andrew Fraser, the Lieutenant-Governor of Bengal, communicates the amazement of 'every Scot' he meets. And so on: I cannot even begin to quote the letters. One notable feature is the large number of particularly loyal and even loving declarations from the younger ministers of the Church. This is deserving of note, and it is safe to say it must have been a revelation to the old leader. He had always been admired by the younger generation, but somewhat at a distance. It is the fact that he was not in the closest touch with the best younger preachers and thinkers of the Church. They rallied to him now with—as their letters show—the frankest enthusiasm, and it is certain this was not the least of the encouragements that came to Principal Rainy in this dark and critical hour. 'We younger men,' writes one, than whom no one has a better right to represent the very flower of the Church's ministry, 'are all at your command in the most affectionate loyalty.'

The first opportunity for any utterance of the Church as a whole was in the week following the judgment, when the statutory Commission of Assembly fell to be held. Usually the August Commission is a somewhat formal affair attended chiefly by officials. On this occasion the Assembly Hall—enlarged since the Union—was crammed, and men came from every corner of the land. It was a remarkable meeting. The Moderator gave out the 46th Psalm:—

> 'God is our refuge and our strength,
> In straits a present aid,
> Therefore, although the earth remove,
> We will not be afraid';

and the singing of it was something not easily for-

gotten by those who heard it. After the devotional service, the procedure followed is worth mentioning. The Commission went straight on with its routine business—its usual reports and cases. The proceeding was significant: the work of the Church was not to be altered or stopped by any House of Lords judgment. In presenting his customary report as Convener of the Sustentation Fund, Dr. Ross Taylor made some general remarks which are of interest as bearing on the judges' favourite principle of respecting the 'intentions of donors.' He pointed out that of the £114,000 belonging to this fund taken from them by the judgment, only some £4000 had been contributed within twenty years of the Disruption, and over £100,000 had been given since the Church formally declared that it had set its face in the direction of union.[1] After some other business had been disposed of, the way was clear for Principal Rainy to refer to the situation of the Church.

When he rose, he met with an almost overpowering reception. Not only did the vast audience rise and break into prolonged cheering but, when the applause had apparently subsided and he was about to speak, it broke out afresh in an extraordinary demonstration. For the only time in his life the Principal showed some sign of emotion in face of his reception, and before entering on his speech he said, almost aside, 'I wish such a great cause had a worthier representative.'

[1] In the second hearing the Lord Chancellor said: 'The great majority of the property was settled, I suppose, at the time of the Disruption,' and when Mr. Asher protested, 'Oh no, my Lord, on the contrary,' he replied, 'Do not let us waste time on what is really immaterial.'—(*Authorised Report*, p. 452.)

Then he went on to speak, in his usual calm and dignified tones, of the judgment, saying he did not 'intend to try' to express himself adequately about it, but adding 'it is so plainly interfering with the equities of the case' that 'something is wrong somewhere.' He did not 'for a moment question the ability or the integrity of those interpreters of the law who have had the responsibility of coming to this decision'; nor did he complain of the litigants. One thing he was thankful for: 'the effect of the judgment, however bewildering otherwise, by its very thoroughness has had the effect of uniting us,' when anything less threatening might have had 'a perplexing and distracting effect on our counsels.' We are left, he said, with 'a clear view of what our principles require,' and these he articulated as follows :—

'We have to maintain as of old the spiritual views of the Church of Christ, the liberty and independence which belong to the Church of Christ, the liberty and independence which are valued because they are necessary to obedience. We cannot obey our Master unless we keep ourselves free to obey Him. We claim for Churches as well as for individuals to have a conscience, and we ask that we may have leave not to go against our conscience in managing our own affairs, committed to us by our Lord.'

Then he went on, in stronger tones :—

'Moderator, if there is anything to which this principle applies; if it applies to settling of ministers, if it applies to arrangement of our constitution with reference to its ways and workings, if it applies to discipline, to questions of receiving members and of exercising discipline on members or ministers, surely as much or more than any of these it applies to the Confession of our Faith. And surely it is implied in

that relation that as our Confession of Faith itself declares that we are not infallible and that no Confessions are infallible, as we claim to be living under the wise providence and administration of Christ, and as we claim still more—humbly we may claim it, but our hearts would be sore indeed if we could not claim it—that we are living under the promise of the Holy Spirit of God, and that under His influences we pursue our calling, surely it is implied in that relation that it is part of our calling to learn whatever Christ makes apparent to us through His word, whether our fathers had learned it or not. The idea with which some of these distinguished men seem to be content, the idea of a Church consenting to be held absolutely and for ever by the faith of men who died two hundred or two hundred and fifty years ago—good men, no doubt—that idea is simply to be denounced as thoroughly ungodly. It is an ungodly idea, and the Church or the tribunal that cherishes it is unawares proceeding on fatally wrong principles. Moderator, I very much desire to be restrained from saying anything that is unsuitable to the importance and solemnity of the occasion, but I do feel that in this matter it is essential that we should speak out. The Christian faith is to believe in a living and present God, a living and a present Saviour, a living and a present Holy Spirit, to whom we hold relations while we live and till we die.'

He proceeded to say that while it was true that the judgment had not, in itself, prohibited any act of the Church but only taken away her property, still this penalising of the Church was simply a denial by law of toleration to the principles he had indicated. In closing, he said they desired 'to render to civil government that obedience which is the great security for the order and peace of the country,' but they held that 'great injustice has taken place,' and they were 'entitled to hold up to the whole country this injustice' and say 'there ought to be a remedy for it.' His last word was a call to the Church herself, and the whole

assemblage responded with enthusiastic acclamation to this stirring appeal :—

'We call upon our people in the circumstances in which they are placed—the whole extent of which we cannot yet foresee—we call upon our people boldly and courageously to face the sacrifices that may be necessary in order to carry on the work of the Church, and to abound in prayer for the blessing of God. All is not lost. Nothing is lost. If as a Church, a Church spreading over this country of Scotland of ours, this historic ground of Scotland, with which we are proud and thankful to be connected—if our Church, spreading over this land of ours, is enabled to be true to its calling, true to the Saviour, and true to His service, and if God, notwithstanding our great unworthiness—for He might rebuke us and forsake us—in answer to the prayers, which I know are ascending everywhere, is pleased to give us fresh spiritual life and devotedness, then everything is gain and nothing is lost.'

It was a speech which no one but a really great leader could have made, and it steadied, united and inspired the whole Church. Resolutions affirming the principles of spiritual liberty were passed with unanimity and enthusiasm. An Advisory Committee, with Dr. Rainy as Joint-Convener, was appointed, to take charge of the Church's interests in the crisis. The Emergency Fund was formally inaugurated, Lord Overtoun heading it with a donation of £10,000 ; it was intended to ask for £50,000, but so enthusiastic was the feeling in the Church that it was resolved to ask for £100,000, and it may at once be added here that the sum received amounted to £150,000. The spirit of Disruption liberality rose again, and seemed able as of old to do anything. After the date of that meeting of Commission, the United Free Church never turned back.

The same day, the Commission of the Assembly of

what now came to be called the 'legal Free Church'[1] formulated its answer to the inquiry of the United Free Church as to what was immediately to be done with the mass of the property and the suggestion of conference. The reply was that all churches where the Church recognised by the House of Lords had any following, however small, must be handed over at once, and that the use of others might be granted to the United Free Church till June 1905, on condition 'that the premises be not used for dogmatic teaching contrary to the principles of the trust' or attacks on the judgment or on the Free Church. The existing missions, it was further stated, might go on if the Free Church is satisfied that 'only the simple gospel is being preached by the missionaries,' and an effort would be made to accommodate two of the colleges on 'a similar honourable understanding' as that applied to the churches. There were other details which it is unnecessary to mention. The Advisory Committee of the United Free Church replied that the Church's ministers, missionaries and professors must be answerable to it alone, and that no conditions about teaching could be accepted. It was thus at once obvious that the likelihood of mutual arrangement between the two parties was not great.

Meanwhile, Principal Rainy had been in correspondence with several public men as to the situation. On the day after the judgment he sent a note to Sir Henry Campbell-Bannerman deprecating the question which,

[1] I shall continue to use this term occasionally, meaning by it no discourtesy but for the sake of clearness, and quite admitting the retort that the other side was, therefore, the 'illegal Free Church.'

as already stated, Mr. Edmund Robertson put on the subject to the Prime Minister, and saying the Church had not suggested it. Sir Henry's reply was as follows, and is dated from Marienbad :—

'DEAR DR. RAINY,—I have been travelling out here and have been accidentally delayed on the way, with the result it was only last night I arrived and received your letter.

'Robertson's question will have done no harm, but before I left London, I discouraged some of my colleagues who were burning to move the adjournment by way of discussing your question. It seems to me to be far from ripe, that there are weeks and even months for consideration, and above all that we should keep a calm sough [1] until we knew what views and intentions you and your friends were prepared to favour.

'I do not wonder that the Government make no sign.

'The whole thing, while not unexpected, has astounded the world and its effects spread to other Churches and other circumstances than yours. And I doubt if Balfour would commit himself in the least degree.

'Probably, so far as political effect is concerned, the matter is better left to ripen. But, as I said, Robertson's question—quite individual—will do no harm.—Believe me, yours very truly, H. CAMPBELL-BANNERMAN.

'I was so struck with a passage in one of Anatole France's latest stories that I jotted it down as being ludicrously applicable to this judgment—*i.e.* pure law against common sense. Even the overriding of the Scotch courts is reproduced! It is in the peculiar irony of the author :—

'"The presiding judge has the juridical spirit and he knows what a magistrate owes to society. Justice is social. It is only ill-disposed men who expect it to be humane and feeling. It is administered according to fixed rules and knows nothing of thrills of the flesh or of flashes of the intellect. Above all, don't ask of it to be just, it has no need to be just seeing that

[1] '*Keep a calm sough.* Be silent' (*Jamieson's Scottish Dictionary*). Jamieson adds: 'I have given the phrase under this word as signifying silence. But I hesitate whether it may not allude to the wind when it continues low, as opposed to the idea of it becoming boisterous.'

it is itself justice; and I will even say that the idea of a justice which is just can only germinate in the head of an anarchist. True, President Magnaud is different; he gives decisions which are just. But his decisions are reversed on appeal, so that is justice.[1]

It was, however, with the leader of the Government rather than with the leader of the Opposition that Principal Rainy desired to be in touch, and on 6th August he telegraphed to the Prime Minister asking if it would be convenient to grant an interview. Mr. Balfour, pleading the great pressure of his engagements, asked Dr. Rainy to write, and this the latter accordingly did as follows :—

'DEAR SIR,—I can well believe that you may be unable to see me. I thank you for inviting me to write.

'I would like to say first that I had nothing to do with Mr. Robertson's question. As soon as I heard of his notice I wrote Campbell-Bannerman that influence might be used to get it withdrawn. But by the time my letter reached London, I believe he had left for Marienbad.

'From your knowledge of Scotland, I think it needless to enlarge on the situation created by the recent judgment. The principle laid down sweeps away all our property, both local and general. There may be title-deeds for some churches and manses that protect them from attack, but all the property in the Model Trust Deed and much of that held on other deeds is either directly transferred to the appellants or must necessarily go when claimed. This appeared to the judges no doubt as inevitable in law. But it strikes our people and many who are not our people as an almost incredible injustice.

'From many quarters, following up a suggestion of Lord James, we have it suggested that Parliament must interpose. But assuming Parliament to be prepared to consider the proposal, observe the situation. The House of Lords has remitted to the court below to apply the judgment. In

[1] *Crainquebille*, iv. ('Apologie pour M. le Président Bourriche').

October, the Court of Session will resume its sittings and will be ready to entertain an application. Suppose detailed judgments are obtained dealing with all or some of the property and these enforced, will not a situation exist rendering parliamentary interposition, say in early summer of next year, a more complicated and difficult question ?

'Considerations of this kind and others with which I will not trouble you led different persons, including some in both Houses of Parliament, to press upon me the idea of a Suspensory Act, in the simplest and shortest form, being passed even yet in the present Parliament, delaying execution till some time in next year. It was to speak of this that I ventured to ask an interview. I think I see many of the difficulties, but it seemed important, almost vital, to take your mind upon it.

'A matter connected with eventual parliamentary interposition is this. The Press speaks of an agreement between the Free Church and the United Free Church as the basis of an application for an Act. But it is important to observe that in any ordinary sense negotiation or agreement can have no place. They have everything : we have nothing. It is entirely in their own discretion how much they may offer to allow us to retain. I take for granted that any eventual arrangement, if any possible, would leave them a liberal share of the property concerned—liberal in proportion to their number and wants.

'There are several aspects of the case which I should have liked to speak of if an interview had been possible which I must not trouble you with.

'I happen to differ from you politically, but I have perfect confidence in your disposition to be just and considerate in reference to our situation and I am very far from being insensible to the difficulties which it must present to your mind.—I have the honour to be, yours very faithfully,

'Robert Rainy.'

The reply of the Prime Minister, dated 10th August, was as follows and is marked private :—

'My dear Sir,—I greatly regret that two or three days

should have elapsed before I could send a reply to your letter of the 5th, and I hope that you will consider the exceptional pressure of public business as a sufficient excuse for the delay.

'I do not think that any member of Parliament, whatever be his opinion, would regard "a suspensory bill" at the present period of the session and in the present state of public business, as practicable; even if there were no other reason which would make the propriety of such legislation (to say the least of it) doubtful.

'I think, however, that both parties to the recent suit have some reason to congratulate themselves on the fact that there *must* be a considerable interval between the date on which judgment was given and the date on which under any circumstances it could be carried into effect. I earnestly trust that in that interval, some arrangement satisfactory to both parties may be carried out and all cause of bitterness removed.—Pray believe me, yours very truly, ARTHUR JAMES BALFOUR.'

The general counsel indicated both in the Prime Minister's letter and Sir Henry Campbell-Bannerman's that things should be left to ripen a little was also the mind of more intimate advisers, as is shown in the following notes to Dr. Rainy from Mr. Haldane, who had been conferring on the situation with the Archbishop of Canterbury and others :—

[Aug. 8th.] 'I saw the Archbishop to-night and Balfour of Burleigh. The matter is well in hand, and I think it must have time. We should go on gently and leave people to reflect. The Archbishop is to see Finlay.[1] I do not think any intervention would be fruitful until feeling had somewhat calmed down.'

[Aug. 11th.] 'The opinion among those responsible is that they can only act if there is either (a) agreement or (b) consensus of public opinion. To move at present would not be in their power. As to (b), it will take time. What will in the end move public opinion most is the spectacle of a Church pre-

[1] Sir Robert Finlay, Attorney-General.

ferring its liberty to its property. I therefore feel you must go straight ahead. I admired much the strength and idealism of your speech.[1] That is the policy that commends itself—to seek first the truth and stake all for it.'

The interest of the Archbishop of Canterbury in the case had been manifested by his attendance during the hearing and at the judgment; he had also invited Principal Rainy to dine at Lambeth during the proceedings. He now wrote to the Principal and also to the Moderator of the legal Free Church offering, in most considerate terms, his services, as well as those of others, in any way that could be helpful. Principal Rainy, with concurrence of the Advisory Committee to which the letter was read, replied most cordially thanking the Archbishop for his 'generous and thoughtful interest,' saying that at the moment there seemed no immediate opening for such good offices, but adding that later 'the aid of persons eminent by parliamentary position and general esteem will be very important.' I suppose this is the first time in history that an English Primate has offered his friendly services to mediate between 'dissenting Churches,' and the offer, even though it did not bear fruit, is worthy of cordial recognition.

Meanwhile another Scotsman—a layman—was not less concerned in the problem and was earnestly exerting himself in it. Lord Balfour of Burleigh wrote, on 9th August, the following letter :—

'DEAR PRINCIPAL RAINY,—For a week I have hesitated to write to you, fearing you might regard it as an intrusion and a liberty. I have now seen the text of the circular letters issued to your Church in regard to recent events and I have also

[1] Dr. Rainy's speech at the Commission, already quoted.

seen the newspaper reports of addresses from pulpits on Sunday. I feel I must write now or keep silence together.

'I wish to express my sympathy as a Scotsman and as a Presbyterian with you in the situation which has been created, and I add my profound admiration of the spirit and temper of the document and utterances to which I have alluded.

'It has not been our lot to see eye to eye in all things, but we are bound by some ties. We are Scots and Presbyterians and desire the honour and welfare of all that double bond means to us in the service of our Master and our country.

'I conclude by saying I regard the things in which we can agree as infinitely greater than the points in which we may differ.

'I do not ask for any reply, but I subscribe myself with great respect, faithfully yours, BALFOUR OF BURLEIGH.'

To this friendly letter, Principal Rainy replied with evident appreciation of its spirit :—

'DEAR LORD BALFOUR,—It was very good to receive your letter, for which I heartily thank you. Allow me to say that however gratified, I was not surprised. Yes, what we agree in is infinitely more than that in which we differ. Besides that, you have earned the respect of all sections of your countrymen.

'The Archbishop of Canterbury, speaking to me before judgment was delivered but when its character was foreseen, said to me, "But what will you do?" I told him we would try to take joyfully the spoiling of our goods, and beyond that it was difficult to say. The situation is still very far from clear. Might I say to you that any indication confidentially of any impression you have would be most valuable to me and through me to the rest of us?

'Many of our friends have pressed the idea of an immediate Suspensory Act. I therefore communicated with Mr. Arthur Balfour on that idea, but he has not responded. In any case, it would have been difficult. Some speak of action in next Session of Parliament and some of a Royal Commission to inquire with a view to parliamentary action as the result.

'It is natural to say, let the parties agree to something. Perhaps you have seen the terms they agreed to—not for any permanent settlement but as conditions of truce till June. They are impossible. People will not occupy churches consenting to be muzzled.

'One consideration perplexes me. If Parliament could have interposed now, all could have stood over till some method of arbitration was devised. But if the judgment begins to be applied in October, it will perplex the position before another Parliament assembles.

'I shall perfectly understand if you prefer to say nothing about these things.—With my great regard, yours very truly,

'ROBERT RAINY.

'We intend no party action, but would appeal to the justice of all parties.'

Lord Balfour replied, again assuring Dr. Rainy of his sympathy in a situation of 'unexampled difficulty,' and saying he was still 'looking hopefully to the idea of an agreement between the two sides,' but adding 'the ideas of the minority, as reported, are preposterous,' and he fears 'there is no man among them of large ideas or of knowledge of affairs.' These letters between two men who had long stood as protagonists against one another's views on the vexed question of Church and State are a pleasure to quote.

The United Free Church was, at this stage, in a critical position. On the one hand, it was clear that any action on the part of the legislature could not be immediate. On the other, the legal Free Church was —quite properly from its point of view—straining every nerve to attract former Free Churchmen to return to its fold and issued a pastoral letter inviting them to do so. In these circumstances, the United Free Church could not sit still and wait. She had,

first, to rally her own members, and secondly, keep awake or if necessary rouse the country to the sense of the need of reparation. It was in these circumstances that the Advisory Committee, not without consideration of the question from different points of view, started a campaign of conferences and public meetings over the land. The Highlands were clearly the first strategic point, and this movement was inaugurated by a conference and public meeting at Inverness which were held on 16th August. The conference showed there was little or nothing to be feared on the part of the Highland ministers yielding to the temptation to 'follow the siller.'[1] The public meeting, in the largest hall in Inverness, was packed more than an hour before the time to begin. Principal Rainy had the ovation which seemed now to be his inevitable lot whenever he made an appearance. He made an unembittered but a plainly 'fighting speech.' 'This was not the end of the case; it was the beginning.' Without any undervaluing of the judicial position and attainments of the judges, he said 'it was a judgment so astonishing that nobody defended it,' and 'in the midst of their concern and anxiety, one could not help laughing now and then.' 'It was not good for a country when the law came into such violent collision with the sense of the community.' Then he analysed the judgment, illustrating what would be its practical effects, and dissecting its historical and legal basis. As regards its general principles, he said it was

[1] Of the 123 ministers belonging to the 'northern synods' of the Church, 107 were present, 13 sent letters of apology for absence, leaving 3 to be accounted for.

'high time' that statesmen and lawyers, especially if they claimed that national religion was important, 'should familiarise themselves with what was involved in the great name of the Church of Jesus Christ.' He restated what at least they in Scotland, and certainly not least in the Church of the Disruption, had unswervingly held as involved in it :—

> 'In that long history from which they drew their constitution various elements mingled; but the line of it to which they clung and to which they adhered had prevailing through it from first to last one dominant purpose, and that dominant purpose was the right and duty of the Church to hear its Master's voice, and the right to obey that voice, not according to other people's conscience, but according to its own conscience and through its own organs. But that was the dominant purpose which was denied or overlooked in this judgment. Well, but they were not going to deny it. If any one asked what was the importance they attached to Spiritual Independence, and why they were so solicitous to maintain the right of their Assembly acting constitutionally under the Barrier Act, under the guarantee provided by the wisdom of their fathers, their anxiety about it was just this—that they desired that the Church of Christ, that every society that claimed that name—at all events, that their society claiming that name maintained its right to have a mind derived according to its own best judgment from the Word of God, and the power to put that mind in force.'

The enthusiasm with which the meeting endorsed these sentiments was a practical proof of how living this 'dominant purpose' still is in the Scottish Church. Principal Rainy concluded by saying they were going to appeal to the 'national sense of justice in both political parties.' Other speakers included Lord Overtoun, who had a right to say something on 'the

intention of donors';[1] Principal Millar of Madras, who nobly represented the missionary interest at stake; Professor MacEwen, who was an example of how absolutely the formerly United Presbyterian section of the Church stood by the Free Church section; and also Professor Denney and Mr. Kelman (now Dr. Kelman of St. George's, Edinburgh), the one the finest scholar and the other the most popular preacher in the Church, whose presence showed how this crisis had called out men who ordinarily took little or no part in ecclesiastical controversy.

This meeting was the first of a series which was continued all over the country until the Government took action in the form we shall presently see. Strong things, no doubt, were sometimes said regarding the judges—said, it may be remarked, chiefly not by ministers but by laymen, and these laymen, lawyers —but they were few and pardonable. If this crisis had been in Ireland, there would have been shooting. Principal Rainy stoutly held that, on the whole, the speaking was moderate rather than violent; to a distinguished correspondent who complained of some things that had been said in criticism of the House of Lords, he wrote :—

'I do not defend all the things that have been said of the H. of Lords. But how could it be expected that people would be silent or mealy-mouthed in such a preposterous situation and with a Lord Chancellor making himself ridiculous by his theological vagaries? You must take it that a great

[1] He told, for example, how £137,000 had been collected for church extension in Glasgow. Of this sum, £25 had been contributed by persons connected with the legal Free Church to which the buildings thus erected were handed over by the judgment.

mass of people are very sincerely angry. I do not think that our Church has made herself responsible for any excess in this direction.'

It was the more important only of these meetings that were addressed by Principal Rainy but the work he did in this respect was astonishing for a man of his years. The meetings were held in the largest available buildings, which were crammed to overflowing, and the Principal met everywhere the same enthusiastic reception. It was a remarkable popular experience for a man about whom his enemies had been confidently prophesying that the judgment, even if the Church survived it, was at least a blow to his personal prestige.[1] After all, as Lord Rosebery once truly said, the nation loves a brave man; and the calm and courage with which this venerable leader was meeting his adverse fate extorted the admiration of all but unworthy opponents. Unquestionably, these meetings carried the Church with them. I cannot find space here to give any account of them or even of Dr. Rainy's speeches at these gatherings; but one thing should be said. It would be a great mistake to think that they were primarily a clamouring for property, still less an attack on judges or on the successful litigants. The

[1] A sample of this view of the matter may be read in an article entitled the 'Ultramontane Débâcle in Scotland' in *Blackwood's Magazine* for September 1904, the writer of which rejoices over the collapse of 'an enterprise conceived in duplicity and embarked upon under false pretences,' and also 'most of all the personal rebuff thus administered to the arch-author of the intrigues and subterfuges,' etc. *Maga* (in which all Edinburgh men, whatever their political or ecclesiastical opinions, have a pride) should be above writing in this way. In the same number, however, is a quite delightfully humorous poetical skit on the judgment which does much to atone for the article. This poem, I am permitted to mention, is from the pen of Mr. John Buchan.

present writer can speak from a pretty wide experience of these meetings and can testify that what, more than anything else, really stirred them was simply the assertion and the resolution to stand by—property or no property—the idea of the Church as free to obey what seemed to be the voice of her Head in either doctrine or duty. These meetings were far more than an agitation for political redress, though that, in the name of justice, was legitimately a part of their object. But, primarily and essentially, they were a campaign for spiritual liberty even more than for civil justice. They were a reinstating in the mind of Scotland the idea of the Church of Jesus Christ as a society which must be free to be His servant. Sometimes it was replied by critics that the judgment had not touched liberty but only property. And the distinction has a measure of truth. It was true and significant that while the judgments prior to 1843 were held—and the 'residuary Assembly' of 1843 acquiesced as the reader knows—to cancel the ecclesiastical acts in question, this judgment of the House of Lords did not pretend to cancel the Union but only forbade certain property entering into it. In other words, the law which prohibited liberty in the Established Church only penalised it in the Free Church. But in either case there was the call to stand by it at any sacrifice. And it was—*pace* the Lord Chancellor—the same Church which had done that in 1843 by the sacrifice of possessions with which the State had endowed her, which now did it as unhesitatingly again even at the loss of possessions she had herself accumulated.

Of this firmness in the Church there could by this

time be no doubt. It became quite manifest that, even though the minority had won the judgment and the property, there was going to be hardly any perceptible 'slide' to it from the defeated Church. A declaration of adherence to the United Free Church was signed by 950 ministers of the Free Church section of the United Church, and this, be it observed, was done while yet no sure promise of relief from the direful effects of the judgment could be given. It is amusing and a little sad to find how surely the leaders of the minority seem to have counted on defection swelling their ranks; and to read of anticipations and indeed fears that many, if not all, will come back and swamp the small Free Church and lead it into voluntaryism again.[1] The suggestion was a libel on Scotland. Scottish ecclesiastical character has its faults, and I will add that these faults are, while often less reprehensible than those of some other people, often more visible. But among them is not that of a flitting from one Church to another because the latter has become a millionaire.

The weeks were now rapidly passing on to the date when the Court of Session would be compelled to make the judgment operative, and the crisis obviously greatly intensified. Suggestions of compromise were made in many quarters, and now included one even from a judge among the majority in the House of Lords. A letter was published in the *Times*[2] written by Lord Davey to a correspondent (who, there can be no harm

[1] In letters from the General Secretary of the legal Free Church to Lord Balfour of Burleigh. The letters lie before me, but I refrain from further reference to them.

[2] *Times*, 26th September 1904.

in saying, was Mr. Taylor Innes), in which he wrote:—

'Needless and useless for me to say how heartily I should have welcomed any proposal which might have been accepted by both parties. If I had been asked (which I was not) I should have suggested that each congregation should retain its own property and be at liberty by vote of the members to join either party or the other; and that three Commissioners be appointed, one by each party and one by the Government (the Secretary of State for Scotland), to divide the general property having regard to number of members, number of congregations and any other consideration affecting the question. Is it too much to hope that something of this kind may yet be done?'

The date of this letter (though it was not published till much later) is 11th August—ten days after Lord Davey had given his judgment. The significant thing about this letter is that, along with Lord James's hope there would not be 'any spoils of war,' it meant that a majority of the judges were against the judgment being actually carried out. But the legal Free Church did not show any sign of yielding its full claim. Its law agents wrote to the agents of the other side that 'parties are no longer in the region of litigation where compromise might have been possible and expedient,' and intimated that 'our clients conceive that they must, to the best of their ability, administer the property under the conditions of the trust.' The leading minister in the legal Free Church—the Rev. J. D. M'Culloch of Glasgow—declared at a meeting of Commission on October 5th that they 'did not admit' that 'they of the Free Church were not fit to make good use of what, through

the overruling of Providence, had been committed to their care.' Nevertheless, the conference suggested by the United Free Church on the day after the judgment was held. The United Free Church made elaborate preparations for it, and chose as delegates men who had been little mixed up with the controversy. The result was a failure. One need not go into details or apportion blame. But one fact must be clearly stated. The United Free Church wished to put forward the suggestion of arbitration. This the legal Free Church refused to entertain. They said they were not at liberty thus to dispose of the 'trust.'

The day after the conference broke up, the date arrived—19th October—when application was made to the Court of Session to make the judgment operative. There had been a good deal of talk in Edinburgh as to whether the Scottish judges, or at least some of them, might not even yet put obstacles in the way of the carrying out of a judgment the consequences of which every one saw would be disastrous. Principal Rainy was very anxious that no conflict of this kind should arise: 'It would not help our struggle,' he said to me, 'if there got mixed up with it a conflict between the Supreme Court and a subordinate court.' Lord Young made some attempt in this direction, but the majority on the bench held they had no alternative but to implement the decree. Public feeling in the matter was manifested by a crowded court and a good deal of applause and laughter at times, especially when a judge asked if 'there had previously been any case like this?' These demonstrations were certainly indecorous, but they were significant. When this first application,

dealing with the general property of the Church, had been disposed of, particular claims for interdict followed. The first claim was to the New College and the Assembly Hall—the 'citadel,' as they were called. The attitude of the legal Free Church to the whole question of their ability to carry on the trust was made clear once more in this case, when Mr. Johnston —their counsel in the House of Lords and their counsel in this claim also—stated that 'they intended to show that they could administer the property, but they intended to go step by step.' Similarly, Mr. M'Neilage (whose name has been mentioned several times and who, it will be remembered, said he would not be a party to taking the case to law) said in the Commission of the Free Church Assembly that 'as Christian people, they claimed what the law had declared to be theirs.' The result of the claim on the New College was that Principal Rainy, his colleagues and students, had to leave its loved walls. Dr. Rainy, as I have remarked once before, was not the man to show his wounds, but that this cut him to the quick there can be no question. At the last dinner in the 'Rainy hall' of the College, he said, with a quiet pathos which touched many a heart, 'I find myself taking leave of these halls at a time of life when one does not look far forward: I did not reckon on seeing this College go before myself.' But, with a legitimate pride, he added to the students, 'I am not taking leave of *you*, because it is a great comfort to think that we go, wherever we shall go, solid.' Of the teachers—drawn with a catholicity otherwise unknown to the legal Free Church, from many ecclesiastical regions—

and the students who came into occupation, it is unnecessary to write. The question was where the real New College—the best-equipped theological school in Scotland—was to go. There was some talk of a joint-arrangement, but the legal Free Church was determined that there should be no chance of contamination in the quadrangle, and would agree only to the use by the United Free Church of some class-rooms entering by a back door. I recall Principal Rainy saying in the Advisory Committee that he did not care what door he entered by, but, he added, 'I care very much by what door my Church enters.' The solution was found when, with great generosity, the University of Edinburgh gave the College its hospitality. At the same time, the Keeper of the Advocates' Library offered to give facilities to meet the deprivation arising from the loss of the valuable New College library. These things indicate the public appreciation of the situation. But the case of the College was only a beginning. A flood of interdicts followed. Day after day ministers and congregations received notice to quit. The judgment was beginning to become a reality.

In these circumstances, the United Free Church summoned a great 'Convocation' of all her ministers and representative elders. This Convocation met in Edinburgh on 15th November, and magnificently served its object by showing sympathy and giving encouragement to men on whom the battle was pressing sore. The meetings were the greatest ecclesiastical demonstrations of modern times held in Scotland, and culminated in a gathering which was attended by ten thousand persons. At a conference in the morning,

resolutions on the principles of the Church were passed with enthusiasm. All the leading men of the Church —Dr. Rainy, of course, among them—spoke. The students and probationers testified their adherence. The missionaries spoke through their representatives. The women of the Church sent messages of their devoted loyalty. There was not a discordant note. An address was issued by the Convocation to the Church, and Dr. Whyte, in moving it, told in his own incomparable way how his congregation of St. George's in Edinburgh and many others had been stirred to liberality and conviction by the 'vitalising judgment.' 'All hail,' he cried, 'such judgments!' In the evening the great demonstration was held which, as I have said, was attended by over ten thousand persons. It was a memorable sight. The singing was overpowering. Principal Rainy was in the chair. Letters were read from, among others, Bishop Gore (then of Worcester, now of Birmingham) and Professor Masson. From the letter of the latter, than whom no person in Scotland was better qualified to pronounce a judgment, at once informed and yet independent, on the Disruption history, the following sentences may be quoted :—

'Nothing of recent occurrence has moved me more deeply than the disaster brought about by the decision of the House of Lords. . . . That the historic Free Church of Scotland should now stand arrested, paralysed, and dispossessed —the whole surface of the Scottish earth overstrewn now and apparently for an indefinite period with the vast wreckage of her valuable fabrics and all her other gradually accumulated belongings—it seems to me monstrous. My hope therefore, in common with hundreds and thousands of other onlookers,

is that there may be some rectification even yet of an intolerable state of things, and that, if this cannot come in any other fashion, it may come speedily in the shape of some suitable act of intervention by the British legislature.'

From Principal Rainy's speech, I shall give but one extract as follows :—

'This great meeting was enough to prove how the heart of Scotland in their branch of the Church, but not in their branch alone, was moved by the situation in which they found themselves placed. He would like first of all to say this, that the great interest which they were called upon to defend, which they must die in defence of, but which in these humane days they must live in the defence of, was the freedom of the Church of Christ to obey her Master only, according to her conscience and not according to any other conscience than her own. Now, the House of Lords had decided a question of property, which doubtless it was their duty to decide, in a way which involved the denial of this freedom as in any recognisable degree a part of their constitution. Whether it was recognisable to the House of Lords or not, they thought they had done a great deal to make it visible to mankind. They had tried hard indeed to show in things spiritual, in the things that pertained to the Kingdom of Christ, in the affairs of the souls of men, that they were free. Well, they meant to take care of their own freedom whoever said them nay. They were there free, and they meant to be free.'

It was sentiments like that of this last sentence which went to the heart of that great meeting. Among the other speakers both sides of the House of Commons were represented and also sister Presbyterian Churches. Vast as the gathering was, an overflow meeting had to be held in one of the largest halls in the city.

There were several subsidiary meetings held in connection with this great convocation, and of these

special mention must be made of one because at it Principal Rainy made a unique speech. A meeting of the boys and girls of the Church was held and the audience packed a great hall in Edinburgh. I shall give Principal Rainy's speech verbatim. It was as follows :—

'Now, boys and girls, people don't believe that I can speak to boys and girls, and I don't know that I can do it myself. But though I dare say you 'll find it difficult to believe, I was once a boy—I really was ! When I was about eight years old, like a boy, I tumbled over the stair-railing and went from top to bottom of the house. So you see I was a real boy, for no one but a boy could have done that.

'I am here to say a word or two to you, boys and girls. What we are gathered together about is rights and wrongs. Now when any two of you get into a quarrel, each side is very apt to say, "I am in the right and the other 's in the wrong" ; but usually they are both a little in the right and both a little in the wrong. The one is wronger than the other ; but they are not blacks and whites—there is always a mixture.

'Now, our Church has been trying to obey Christ, and we 've been punished. We are here to-night because we have been punished. We have had money taken from us because we were in the wrong, people said ; we have had houses taken from us, and we have got missions taken from us—at least, the houses—they can't take the missionaries from us, but the houses. (Applause.) And we are very apt to say, 'Well, I am in the right ; I am punished for being in the right." And I believe that that is true. (Applause.) But then we are very apt to say, "The others are all wrong and we are all right." Now, don't say that. There is a good deal that 's right about the people on the other side. There are some of them very good people, though I think they have made a mistake this time. And as for us, however right we were in trying to obey Christ—and, dear boys and girls, that is what Christianity is for—Christ says : "Keep My Word"—that 's the first thing, keep Christ's Word. Very well, we have

been trying to do that, and so far as we have done that we are right. But we are not all right. There 's a good deal that 's wrong about us. Now take care of that. When you are trying to do what 's right, and some one tries to hinder you and make you do what 's wrong, you are quite entitled to say " You 're wrong ! " But you are not entitled to say " You 're all wrong, and I 'm all right."

' I mean to be short if I can. I have sometimes made awfully long speeches, but I want to be short to-night. And I want to tell you a story on this business of rights and wrongs. I was only told it to-night, and I have never told it to any one.

' It 's a story about two brothers, and their names were John and Jack. Now, it was very odd in one family that there should be two called John and Jack, especially as they were twins. Now these two—what were their names ?—(cries of " John and Jack ")—yes ; these two were pretty good boys. They did not always get on well together ; but still, on the whole, they were very good boys. John was big and Jack was small. The one grew bigger than the other, and at last Jack—was Jack the big one or the little one ?—yes, the little one. Well, Jack was angry at the other and it was about his clothes. Jack was very particular about his clothes, always to have them the same as they had been, years and years ago. But John thought he would like to have his clothes a little more grown-up like. You see, John was getting big, and he wanted to make a change in his clothes. The fact is, John was thinking of getting married, and people get particular about their clothes when they are going to get married. But Jack was for keeping the old clothes in the old shape. And that did pretty well for him, for he was not very big, though I am told that here and there an arm or a leg would stick out a little. But still he wore the old clothes with the old cut.

' Now so it was, Jack and John held one inheritance between them. Well, Jack was very angry with John, and for two reasons—first, he didn't want a wife or a sister-in-law ; and, secondly, he did not want a change in the clothes. So he said, " John is quite wrong, and he should have none of the inheritance, and I should have it all." So what do you think he did ? First he threw stones at John, and then he went

about trying to get people to decide that he was right and John was wrong. And where do you think he went at last? He went to the King of the Fairies. (Laughter.) "I want you to decide that John is all wrong and I am right, and that I must get all John's things." And the King of the Fairies said, "Oh, yes, I 'll decide." So he took this way of deciding. He had them both brought before him, and he got a photograph of them both when they were little. And he had a microscope, and he looked at this photograph very carefully. And then he said to John, "Oh, this will never do! *You* are not right. Dear me, I think you have got a tail to your coat (Laughter)—you are not right." But then he looked at Jack, and then he looked at the photograph and he said, "*This* one 's right. I do believe he has got the very jacket and trousers that he had sixty years ago! (Loud laughter.) He 's all right; he must get everything. And John is all wrong; he must get nothing." But he said nothing of the people inside the clothes. So they took everything from John, his houses, and his workshops, and all the rest of it. And then about John's clothes he said: "We will not meddle with his clothes. Indeed, it does not matter what clothes he puts on, for he has lost his identity." (Loud laughter.)

'Do you think that was a right decision for the King of the Fairies to make? (Cries of "No!") I say no. For the truth is that Jack was not all right, and John was not all wrong. And if the King of the Fairies was right—— Ah! but we must take great care what we say about the King of the Fairies! (Loud laughter.)

'Now, you just think over that when you go home, and remember that it 's a mistake—even if the King of the Fairies says it—to think that the one side is all right and the other side is all wrong.' (Tremendous applause.)

The reader may remember in an early chapter[1] an ironical poem by young Rainy; he had the same spirit still, a man of eighty and after a great catastrophe. But there is philosophy in this parable as well as humour. 'He said nothing of the people

[1] Vol. I., p. 30.

inside the clothes '—that is British law on the subject of a living growing Church (or almost any developing corporation) in a nutshell.

It has seemed needful and right to narrate at some length the course of events immediately after the falling of the tremendous blow of the judgment. It is, however, impossible in these pages to continue to tell with any fulness of detail the story of this crisis. Only the essential historical stages can be mentioned here and even these briefly. Behind them, the reader must imagine a sea of confusion and often real distress —law pleas, interdicts, ministers and congregations seeking advice at headquarters, endless legal and other correspondence, not to mention continual speech-making from all kinds of public men and discussions flooding the press. It was not a spectacle which any one who reveres the great name of civil justice could look on with equanimity. People will not respect law if its decisions result in chaos. And they have a vague instinct that courts of law are instruments for the production of justice, and when they produce sheer injustice the result is not good. But I pass to the main developments of this strange story.

Lord Balfour of Burleigh made in November of this year a last effort to aid in the solution of the *imbroglio* by trying to bring parties together. He wrote to some representative men of the legal Free Church asking from them, as an individual, the 'favour of an interview to talk over the position of affairs.' He further wrote (on 3rd November) to its Law and Advisory Committee, stating his aim as follows :—

'Like many others, I have been deeply concerned at the

failure of the recent conference to arrive at any *modus vivendi* between the Free Church and the United Free Church. . . . I attribute no greater responsibility to one side than to the other. It is enough for me that they have failed, and in that failure I discern many dangers to the religious life of Scotland. My object in proposing the meeting was to arrive, in the first place, at a correct understanding of the causes of failure and to see whether on some explanations, the conferences might not be resumed with or without the mediation of one or two persons agreeable to both sides and possessing knowledge enough to soften asperities and to suggest means of meeting difficulties. I do not conceal from you that if nothing of this kind can be arranged an appeal in some form to Parliament will be inevitable.'

Lord Balfour had an interview apparently with only the General Secretary of the legal Free Church, and the upshot may be gathered from a letter he wrote to this official two or three days later, in which he says 'in all friendliness' that 'my interview with you on Saturday made me think that you regard every one who does not agree altogether with you as altogether your enemy.' Shortly after Lord Balfour wrote to the same gentleman :—

'I have learnt from Dr. Scott [1] that your Committee refuse to see me. While I greatly regret this decision, I can of course carry the matter no further. As I approached one minister and layman of the United Free Church just as I did in your case, I must of course now tell them of the refusal of your Committee.'

It was later explained to Lord Balfour that the refusal was not a refusal but rather a postponement, as communications were being entered into with the Secretary for Scotland. The Secretary for Scotland, however—

[1] The Rev. Dr. Scott, the leader of the Established Church Assembly.

Mr. Graham Murray (now Lord Dunedin)—was aware of all Lord Balfour was doing, and there was no reason why communication with him should prevent the continuance of negotiations with the other. The minister and layman of the United Free Church, referred to in the letters last quoted, were Principal Rainy and Sheriff (now Lord) Guthrie. They cordially agreed to meet Lord Balfour.

All this is recorded because it is necessary that the reader should realise that before the Government interfered in this matter, a full opportunity was given to the victorious party to have the matter dealt with in a less compelling way. Unquestionably the knot of men who controlled the action of the legal Free Church threw away their chance. If they had been reasonable then, they could have commanded a large amount of public support, and in any division they could have had first choice and claim almost irresistibly everywhere. They foolishly went on declining arbitration and seizing property in the utterly vain belief that once in possession they would not be dispossessed. It would be unjust for any one, and particularly unsuitable for the writer, to comment with severity on this shortsightedness in men few in number, unequal to so vast a charge, naturally exhilarated by victory, and unaware or unafraid of what Tacitus calls *magnae fortunae pericula*. But it is necessary for the purpose of the story that the reader should see it clearly even if he judge it charitably.

It was now clear that some action must be taken whether the legal Free Church concurred or not. The United Free Church was pressing for legislative inter-

ference, and the following letter from Principal Rainy to Lord Balfour indicates the form that was desired:—

'A movement is growing among our friends to approach the Prime Minister asking him to bring in a bill for an executive Commission and to ask all Scottish members to accompany the deputation. Failing a favourable reply, to shape and give notice of a private bill. All this goes on in ignorance of your plans and efforts.

'I am quite aware of the propriety—the naturalness, at least—of approaching the Prime Minister. But I am anxious he should not be approached until he is ready, so far as we can secure it, to give the right answer. Otherwise, I have little doubt that the friends I speak of would cordially support your leadership if they were aware that it was available.

'In any case it is gratifying to us all that you should have it in your heart to "do worthily" in this business. And I hope you will not be too easily discouraged. The dislike to this kind of action is no doubt strong. But there is an extraordinary set of opinion in one direction. I have seldom seen Scotland so united about anything, and I have never seen a Scottish ecclesiastical business so extensively taken up by the English press.'

This idea of a Commission was even shaped into the draft of a bill.[1] It was advocated subsequently in public by Mr. Thomas Shaw, M.P. (now Lord Shaw), who in a speech at Galashiels on 12th October—after remarking that 'men were asking whether the judgment of the House of Lords was pronounced by those who were fully conversant with the facts' and whether at its root was not 'some cardinal and distorting error,' and the remark indicates the kind of thing that was daily being said in Scotland even by speakers habituated to respect a legal decision—went on to support, as 'a way out,' a Parliamentary Commission invested

[1] Another bill was drafted by a Scottish member—Mr. A. W. Black—but was not pressed.

with powers for arbitration and also executive authority. On these lines, the United Free Church steadily worked.

The method adopted by the Government went in this direction, but not so far. It became apparent that the appointment of a Parliamentary Commission would certainly raise debate, and the Government chose to appoint a Royal Commission—thus avoiding the bringing of the question before the legislature. This Commission had not executive powers, but was appointed to inquire how far the Free Church was in a position to carry out the trust, to investigate 'into all the facts,' and to report whether action, by legislation or otherwise, should be taken. Mr. Graham Murray treated the Churches with much frankness in the matter, and the terms of the reference of the Commission were the subject of correspondence between him and the Advisory Committee of the United Free Church and, of course, the other Church also. He sent down the draft of the reference which the Government proposed, and invited the two Churches to make suggestions on it; these he considered, fixing, however, his revised reference on his own authority and without consulting the Churches further. This was both frank and business-like; and one may say here that it was a fortunate circumstance that at this crisis there was found a Scottish Secretary with the open-mindedness and also the grasp that Mr. Graham Murray displayed. In the end, the terms of reference were generally satisfactory, though the United Free Church would have preferred if the Commission had had executive powers. But Mr. Graham Murray, while of course aware

that an executive Commission would be necessary eventually, was against beginning with this. On November 22nd, he wrote to Principal Rainy inclosing the final revised form of reference for the Commission, and added :—

'I have tried my best to meet your views, and I think you will see that the actual terms of reference are wide. I do not think it advisable to argue the matter, but I may say at once that I cannot agree with your view that an executive Commission would be preferable. It seems to me to have several very grave defects. 1st, It is not so prompt.[1] 2nd, It opens almost endless and perhaps bitter parliamentary discussion settling its terms on facts which must necessarily be assumed. 3rd, I think the question much too big and national for Parliament to delegate to five men or any number of men. There is absolutely no precedent for such a thing—for charity commissions, etc., are no precedent at all. But while I say this out of courtesy to you, I am not inviting a discussion on the subject.'

An important matter was the *personnel* of the Commission. The legal Free Church requested Mr. Graham Murray to favour it with the proposed names ; but this he declined to do as unprecedented in the case of a Royal Commission and also as inadvisable in itself. Unquestionably, the man the country looked to to be chairman was Lord Balfour of Burleigh, but his name was not acceptable to the minority. The chairmanship was offered to Lord James, and he placed his services at the disposal of the Government ; but on further deliberation it was thought that a Scotsman should be appointed, and in this view Lord James

[1] This is true in the sense that a Royal Commission could be appointed at once. On the other hand, if an executive Commission had been set up then, it surely would have finished the work quicker than has proved to be the case.

cordially concurred. Finally, the Earl of Elgin was appointed. The two other Commissioners were Lord Kinnear (one of the judges of the Court of Session) and Sir Ralph Anstruther, Bart. At the same time, another Commission was appointed to arrange interim settlements, where possible, as to the use of particular properties, of course without prejudice to the rights of parties as to ultimate possession. This Commission was intrusted to Sir John Cheyne.

Thus ended the first phase of the story, and I may close this account of it by quoting Principal Rainy's letter to one who had taken an honourable and useful part in it :—

'DEAR LORD BALFOUR,—I suppose we may take to-day's news as authentic. If it is, I dare say we shall feel that as to Commissioners we might possibly have been worse off. But I am quite sure that the unanimous opinion of our side is that the chair of the Commission ought to have been given to you and that no other occupant will do the work so well as you would have done. We shall always remember how powerfully you contributed, while opinion was still unformed, to turn it into the right channel and to fasten the conviction on the general mind that this was a national question and that the great point was to deal with it worthily.'

This last word was (as the reader may himself have observed) a very characteristic one of the Principal's. Indeed one might justly say that 'worthy' was as much his favourite epithet as 'sweet' is Shakespeare's or 'noble' Burke's. Therefore Lord Balfour could have from Dr. Rainy no higher praise than the above.

With the result of this first phase of the crisis that had followed the judgment, the United Free Church had considerable reason to be satisfied. Three

great ends had been successfully achieved. First, the Church had remained perfectly solid. As he looks back upon it, the reader must recognise it as really a most notable thing that so tremendous a blow should have been struck and yet cause hardly a splinter in the Church's structure. It is not improbable that in the future, this rallying under so great a shock and standing steady may appear as notable a thing as the enthusiastic daring of the Disruption. Moreover, the two sections of the Church were united in a way which, but for this crisis, would not, I believe, have been attained for a generation. Men began to say it was not only Principal Rainy who had made the Union : it was not less the Lord Chancellor. Secondly, the demand for redress had been kept successfully on entirely non-party lines. The risk of political feeling coming into it was not slight, and Principal Rainy's skill and tact (in a hundred little things) were nowhere more really—though, in the nature of the case, not conspicuously—manifested than in the avoiding of this danger. And now, thirdly, the Government had acted. These were distinct achievements for the United Free Church. Yet this was not a race to be run in one heat, and a long struggle was still ahead. And let the reader never forget that Dr. Rainy was now on the verge of his eightieth year.

During these four months—from the 1st of August to the end of November—he had been, physically and intellectually, little short of wonderful. It is no exaggeration to say that Scotland as a whole—despite any political or ecclesiastical divergences—looked with admiration at the spirit and resource, the dignity and the courage with which the old man met this crisis.

Certainly not his keenest enemy could ever call Principal Rainy a craven. Even physically he was remarkable. He kept splendid health. He never lost a night's sleep amid all his anxieties: once he said that when in danger of worrying and like to be put off his sleep he 'just began to think about the Japs.'[1] Sometimes, at the end of a prolonged Advisory Committee meeting, he would look white and aged; but next day he was fresh again. He was never nervous and never careless. He attended to everything, for Dr. Rainy's was essentially the type of mind which can at once grasp general principles and yet not neglect details. The following little incident shows his assiduous conscientiousness. One day I was walking with him in Princes Street, as he desired some fresh air; suddenly he remembered it was the hour for a sub-committee. I ventured to say that the sub-committee was not very important. He turned and said almost severely, 'Everything is of importance just now.' That was the spirit in which he served his Church. To sit with him in the Advisory Committee was a real education in affairs. On the one hand, he saw instinctively what is impossible and need not be sought, and, on the other, he never for one moment lost sight of what is essential and must at all costs be maintained; and thus he worked steadily, purposefully, effectively, for a definite end at once reasonable and vital. His mind had, if one may so put it, a very large surface area and took in the impressions of a subject from all quarters; yet with this it had—what does not always accompany a comprehensive intelligence—persistent

[1] The Russo-Japanese War was then in progress.

driving power. It should be added he was always perfectly calm, courteous to every one, and absolutely serene in his spirit. Any one who has heard the few words of prayer with which he would open the Committee will not be in doubt as to the source of this serenity.

To this last remark, however, it may be added that a great support to his confidence and calmness of mind during this struggle was the satisfaction, or rather thankfulness with which he saw how the '*moral*' of the Church was rising to the occasion. He often spoke of this—not boastingly, but gratefully as a cheer to his heart even when he felt he and others were near the end of their strength. At a time when Dr. Ross Taylor was ill, and when Principal Salmond and Dr. Melville (the Principal Clerk of Assembly) were plainly drawing near death, he writes :—

'One thinks of Cromwell saying before Dunbar, "We are indeed but a feeble and sickly company; yet we shall work the time that is appointed us and after that, rest in peace." However, it is ungrateful to take that tone when one thinks of our magnificent Church and the younger men that are rallying to the service.'

And to his son George, in India, he writes :—

'The crisis is visibly doing good; we are being raised up to more feeling and conviction, and the spirit of prayer is developing wonderfully. I have not the least doubt that the result will be a great moral and spiritual impetus to the work of the Church.'

This impression was felt by many. The judgment had impoverished the United Free Church of Scotland in those material things which a Church possesses; but it had strengthened and enriched in it those spiritual things by which a Church lives.

If he was thus proud, or rather thankful, as he thought of the Church, certainly the Church was proud and thankful as she thought of him; and this feeling found expression in his being nominated—for the third time—to the moderatorship of the General Assembly. There are few precedents in the history of the Church of Scotland for a third moderatorship—Melville, however, and Carstares were each Moderator four times—and Dr. Rainy was really annoyed at the proposal. But the Church was resolved that the voice that spoke officially at the Assembly after the judgment should be her representative voice. Moreover, in this way she passed a unique vote of confidence in the leader on whom the blow of the judgment had most personally fallen, and whose prestige his enemies had fondly hoped had been irretrievably injured by it. Principal Rainy was most reluctant to accept. He stoutly protested that the Church 'must not be represented as a one-horse affair,' and that he had plenty of better things to do than 'get into Moderator's breeks again.' Moreover, he was chivalrously jealous lest it should seem in any way a slight upon the venerable Dr. Hutton—the staunch champion of voluntaryism—who had been generally named as the probable Moderator of the Assembly of 1905. But, in the very exceptional circumstances, Dr. Rainy's elevation was of real importance, and it was pressed on him till he accepted. It need hardly be added that between him and Dr. Hutton (who was elected Moderator in the year following), nothing but friendly sentiments were exchanged over the matter.

Not even, however, the almost unprecedented honour of a third moderatorship could add to the

supreme position which Dr. Rainy now held in the estimation, not only of his own Church, but of practically all Scotland. These months since the House of Lords judgment had revealed the stature of the man, alike to friend and foe, as it had never been seen before. It is difficult to define a great man : human greatness can hardly be standardised. Certainly it is not to be defined in terms merely of conspicuous outward acts, for circumstances may conspire to aid in the achievement of these, and the man with whose name their actual accomplishment is associated may thus easily receive more honour than his due. One way of describing native personal greatness is that a great man is always adequate to whatever test he may be put by circumstance—especially, of course, adverse circumstance. As old Nestor, in *Troilus and Cressida*, says :—

> ' In the reproof of chance
> Lies the true proof of men.'

If ever man proved himself in ' the reproof of chance,' it was Dr. Rainy during the crisis that followed the strange catastrophe of the judgment of 1904. What had seemed to be his ruin before his fellow-men had only revealed his real magnitude. And, as we have now to see in the next chapter, out of this apparent defeat of his career, was to come something which made his life-work far more complete than otherwise it would have been, and was definitely to mark his place in the historic succession of the great names of the Scottish Church and the epoch-makers in its long and heroic struggle for the vindication of the freedom wherewith Christ has made His people free.

CHAPTER XXVII

THE DECLARATION OF LIBERTY

THE struggle into which the Church had been plunged was now focussed upon two great ends—one, the vindication of the Church's liberty: the other, the restoration, at least in part, of the Church's property. It was a struggle for freedom and for justice, and are not these almost the two most sacred of secular words? In this chapter and the next we shall see how these ends were attained—how the Church reaffirmed her constitution and the State made a great restitution. In these things, we have the climax as well as the close of Principal Rainy's career. There is perhaps hardly any other public man of whom it can be said that his eightieth year was the year of his greatest achievement.

The two ends which have been mentioned, naturally intermingle to some extent in the story, and while the more important part of this chapter will deal with the matter—the more important matter of the two—concerning the Church's vindication of her liberty, we must first narrate some phases of the struggle about property. With the opening of the year 1905, it was certain that Parliament would in some way intervene in the situation. The appointment of the Royal Commission inevitably pointed to that and would pave the way for it. But there was

entire uncertainty as to what form that intervention might take. This uncertainty was due not merely to the fact that obviously much depended on the report of the Royal Commission. Already there had arisen a good deal of vague talk about a parliamentary measure which should deal not only with the question of the Free Church property but with the larger question of the status of Churches generally before the law. Mr. Graham Murray, in a speech—a very able speech, at once independent and sympathetic—at Rothesay on 5th January, after a survey of the situation which he described as 'unendurable,' went on to speak of the demand of a Church to be a developing organism. He declared it to be a 'modern idea' and one 'not for a court of law'; but, he added, 'it is a demand which, in my view, rings true to a sense of justice.' Then he said :—

'If the Free and the United Free Church were to come to Parliament to get from them not endowments but some recognition of their status as a Church which will make, in legal jargon, their possessions depend rather on the law of status than the law of trusts, and which will give them elasticity to develop without feeling that the slightest development may rob them of their property—I say, if this is to be given to them, why should the claims of others be ignored ?'

This utterance caused some anxiety in United Free Church circles. As regarded her own liberty as a living organism, the Church thought she saw a better way—of which much will be said before the chapter closes—than to have it 'given' by statute with whatever conditions statute might accompany the gift. As regarded 'the claims of others,' no one could suggest that the United Free Church regarded this liberty as a

thing of her own : it is a catholic principle which belongs to the Church of Christ everywhere, at least where the Church claims it. But it was a serious matter if this large and, in many respects and many quarters, controversial question was to get mixed up with the plain business of a just and practical settlement of the question of the Free Church property. In a letter to Dr. Ross Taylor, written the day after the Secretary for Scotland's speech, Principal Rainy gives expression to his fears as to this :—

'Graham Murray's speech seems to me generally good, but the more I consider the latter part the more I dislike it. It seems we are to be rehabilitated in point of *status*, whatever that may mean, and that in company with other people. If this is so, we shall have no bill. Parliament will fall out about it, and so should we ourselves, though I don't fear *much* trouble within ourselves. Their business, whatever else they do, is to give us back our property or a share of it ; and I for one will make no bargains about it. Graham Murray is diplomatically vague, but I feel convinced there is something under it which will probably turn out serious. I am much disposed to write to Arthur Balfour before his speech.[1] He may justly complain if, after Murray's preliminary hint, he receives no warning.'

Principal Rainy did write to Mr. Balfour, and the letter is as follows :—

'Dear Sir,—In Mr. Murray's generally excellent speech, a few sentences occurred at the close which appear to me rather enigmatic and possibly even ominous. I should be glad to find that my apprehensions are unreasonable.

'I refer to the passage in which he speaks of the action of Parliament as likely to include something in the nature of recognition of status with a view to avert loss of property by future decisions. I assume that this will be some enactment

[1] The Prime Minister was announced to speak at Glasgow on January 12.

applicable to all Churches as such or to all bodies making a *bona-fide* claim to be Churches, and that it will recognise and sanction their right to make changes. But whatever the lines intended to be proceeded on, I earnestly trust it will not be mixed up with the measure giving effect (so far as Government sees its way) to the recommendations of the Commission regarding property, as to which all Scottish members will probably be agreed, and English members will let it alone. But on the other subject, with its real difficulties, there may quite likely be honest differences, extending to English members as well, and the risk attending the bill may indefinitely be increased. The subject of a reasonable settlement to follow on the Lords' decision is in its own nature distinct from the very important question how the law is to stand for the future.

'I would not have troubled you but that the cause for anxiety seems to be considerable. A good deal of private discussion is going on, but I think no public statement will be made, for there is no wish to embarrass the Government.—I am, Dear Sir, yours very faithfully, ROBERT RAINY.'

I do not find any answer to this letter, but Mr. Balfour, who, Mr. Graham Murray had definitely said, would speak further on this question in his speech at Glasgow, refrained from dealing with it and declared he would not 'add anything' to what the Secretary for Scotland had said. About a month later Parliament opened, and the King's Speech contained a clause which said that 'a situation has arisen in connection with the administration of the property belonging to certain ecclesiastical bodies in Scotland which requires legislative intervention,' and reported the appointment of Commissioners, whose report, it goes on, 'may enable you to frame such proposals as will, I trust, tend to the efficient administration of ecclesiastical funds and the promotion of peace and goodwill.' This was vague enough to cover what some writers in the press

were urging—a 'broad settlement of the question of spiritual independence.' Eventually, however, as we shall see, nothing came of this larger possibility in the Government bill.

Meanwhile, the Royal Commissions had begun their work. That under the chairmanship of Lord Elgin held its first public sederunt for the taking of evidence on 11th January. At the outset, the chairman defined the scope of the Commission's inquiries in terms which somewhat disappointed the United Free Church, inasmuch as it ruled out all evidence on the subject of donors' intentions. On this matter, the United Free Church, deeming it within the reference 'to inquire into all the facts connected with the said funds and property,' had accumulated a great deal of evidence and could have produced an overwhelming case. Much of this was edged in as the proceedings went on. One matter is entitled to special mention. A great deal, in the House of Lords, had been made of 'the prospectus of the Association,' as several of the judges called Dr. Chalmers's moderatorial address. The inappropriateness and inaccuracy of the phrase have been already commented on. But Principal Rainy, in an opening statement preliminary to his evidence—a statement somewhat out of order but which, Lord Elgin courteously said, 'out of respect to you and recognising the value of this paper as a whole, we do not wish to exclude'—brought up what might really be called the financial 'prospectus' of the Disruption, or at least was the original appeal for funds. It was issued three months before the Disruption—for funds had been gathered in expectation of that event when

it was seen to be inevitable [1]—and by Dr. Chalmers as 'Convener of the Financial sub-Committee.' Its heading is, 'Subscriptions for support of the Free Presbyterian Church of Scotland.' In a second circular, dated February 24, 1843, the object for which subscriptions are invited is defined as follows :—

'The support and extension of an evangelical ministry in the land who might be at liberty to act conscientiously and according to the Word of God in all things pertaining to the worship, discipline and government of the Church—not overborne by the control and interference of the civil court.' [2]

This is the essential statement of the object held forth in a long circular—signed by Dr. Chalmers—in which the idea of establishment is not even once hinted at. Beyond any historical doubt, here is the 'prospectus' the Lord Chancellor and his colleagues so unwarrantably imagined they found in a Moderator's address. Here was that to which donors were specifically asked to contribute; and the establishment principle—of which Lord Alverstone, in his judgment, had incautiously said, 'It cannot, I think, be doubted that this principle was put forward as one of the main inducements in the appeals for pecuniary aid'—is not even suggested to their thoughts. Lord Elgin said pleadingly to one of the witnesses before his Commission (not Dr. Rainy), 'Please don't bring in the Lord Chancellor.' But who can help doing so when reading this circular? Here is money asked and given for the support of an evangelical ministry in the land who shall be free to

[1] This is an additional reason for the absurdity of calling Dr. Chalmers's speech the prospectus. Who ever heard of money being begun to be collected first and the prospectus issued afterwards?

[2] The document may be found in the report of the Royal Commission, vol. i. p. 110.

obey conscience in Church affairs—for that and nothing else. Sixty years later, the Lord Chancellor and his colleagues of the House of Lords give that money (and all added to it since) to a handful of men who palpably cannot carry out that specified national object, taking it away from a Church which indisputably could and sacrificingly did carry it out; the ground of this forfeiture being that this Church was not carrying out another and quite different object which was not even suggested in the appeal to subscribers. And in doing this, the judges—particularly the Lord Chancellor—reiterated repeatedly that their solemn duty was 'to carry out the intentions of the original donors of the trust,' and that 'money given for one purpose shall not be devoted to another.' It is not merely these donors—now safely dead—who are wronged by a spoliation like this: it is the very name of justice.

The Commission held twelve sessions for the taking of evidence. All the heads of departments of the United Free Church appeared, and a mass of facts was presented showing the immense 'trust' of means and money which was being carried on and the really grotesque incapacity of the Church successful at law to use even a tithe of this great inheritance. The representatives of the legal Free Church, however, when their turn to give evidence arrived, did not abate their rights as owners of the property. They claimed at once over three hundred church buildings, the remainder to be regarded as 'negotiable assets.' They regarded any scheme of joint occupation of buildings as 'impossible' and 'impracticable.' They claimed the New College and its endowments as 'an inalienable right.' As

regards funds, the position taken was that even if the special trusts—missionary or other—could not be carried out, they should be given to the successful litigants 'for the general purpose of strengthening the Free Church.' After the completion of evidence, an interval elapsed before the Commission produced its report.

The other Commission, under Sir John Cheyne, appointed to make interim temporary arrangements between the parties, had meanwhile been pursuing a somewhat chequered way. The legal Free Church had never really accepted it, and at length they formally withdrew, though their law-agents continued to give Sir John some assistance. But this Church preferred the more summary method of obtaining from the Court of Session an interdict to oust any United Free Church congregation whose property they desired. During these weeks and months, this process—which the judge of the Court of Session regarded himself as powerless to prevent in view of the terms of the House of Lords order—went merrily on all over the country, and large, vigorous congregations of the United Free Church were, in place after place, turned out to make room for sometimes a mere handful of people gathered together from various sources and, in certainly some cases, with not a person among them who ever had had the slightest connection with the property claimed. I have no wish to revive painful stories ; but it is necessary the reader should understand what was going on, for the unrighteousness of it undoubtedly was a factor that hastened the end. What was going on was this. A letter would be sent from the offices of the legal Free Church urging some small nucleus of more or less Free

Churchmen—in some places they were actually advertised for—to organise, and efforts were made to get practically any one to adhere to the movement. Then this miscellaneous body of persons was 'recognised' and in their name—not in every case was it even with their consent—some existing United Free Church congregation in the place was, however numerous its members or important its agencies of work, ousted. The figures of a single lowland and a single Highland case may be given. A particularly vigorous and well-organised congregation at Ayr, largely composed of the working class and numbering over six hundred members (besides adherents), was turned out of church and schools for a company that never filled more than two pews in the church and that left the schools absolutely derelict. In Lewis, a congregation of some hundreds was compelled to worship on the hillside every Sunday in order that a company averaging about twenty might occupy their church. Incidents like these—and these are but two cases out of many—could not but create feeling. Be it noted, there was no question of the legal Free Church obtaining accommodation for worship. Sir John Cheyne was there for the very purpose of arranging that. But the legal Free Church was not content to get in: she must, at any hurt to the work of great congregations, get the other church out. I refer to all this as lightly as is possible. Some of the better men in the legal Free Church defended it by saying they had no alternative, for they were bound by the obligations of the trust. No man can justify doing what is unrighteous on the ground that he is a trustee. If a trustee finds that a trust is

working out contrary to equity, he can seek or accept authority to stay his hand or to find a more righteous way of performing his obligations. This was the one thing the legal Free Church refused to do.

On this part of the story one should add that the bearing of many of these evicted United Free Church congregations was one of the most creditable and indeed noble phases of the whole crisis. These congregations showed a spirit of forbearance and of loyalty which evoked the sympathy of the whole Church. Among the ways in which this sympathy found expression—besides, of course, the material assistance given through the Emergency Fund—was the formation of what was modestly called a 'Temporary Committee' among women of the Church. To none of the many spontaneous movements which arose during the crisis did Principal Rainy give a more hearty welcome than to this. Mrs. Rainy was asked to become its Convener, and she was enthusiastic in her sympathy and support. To the first public meeting held in connection with this Women's Committee, the Principal wrote :—

'As joint Convener of the Advisory Committee I desire publicly to acknowledge the great value of the work done at this crisis by the women of the Church, the help they are giving in connection with all her interests, and the high tone they do so much to sustain among the whole community. In promoting, by their influence and example, a temper of mind that is humble and prayerful as well as diligent, believing and courageous, they are performing the most important service which could be rendered to the Church by any of its members.'

And later, when the Committee was discharging varied offices of kindly help towards the families of the manse in troubled districts—very many ministers and their

families were evicted, though in very few cases indeed was there a minister of the legal Free Church to occupy the house—and also in developing social work in outlying districts, Mrs. Rainy wrote that it 'had accomplished what Dr Rainy sometimes felt he had failed to do—enlisted the interest of the young people of the Church in the needs of the Highlands.' In such ways did the crisis bring alike its pains and its gains.

The Elgin Commission presented its report, and it was published in April. It was a most remarkable document and, except for one passing observation, was practically everything the United Free Church could desire. This passing observation was that the Commissioners regretted that 'the minority did not receive more consideration at the hands of the majority.' On this, it is enough to say that it is a matter upon which not one word of evidence was laid before the Commission, and the censure was based therefore on hearsay or a general impression.[1] The reader of the foregoing pages of this book can estimate its value. But, apart from this (and really when the Commissioners were saying so much for the United Free Church, they may have felt they must say at least something on the other side), the report was a complete vindication of the protest that had been made against the sweeping and impossible character of the judgment of the House of Lords. The Commissioners, in perhaps the crucial passage of their report, declare that they

[1] The charge that the United Free Church had acted oppressively towards ministers and members of the minority was assiduously circulated from some quarters. Every one of these charges was refuted in a long statement sent, with a covering note by Dr. Rainy, to the press. I cannot possibly go into them here.

'are satisfied that, so far as its moral and material resources are concerned, the United Free Church can perform efficiently the trust purposes, which cannot be performed by its rival.' As regards the judgment—'which must be,' they say, 'received with all submission'—they go on as follows :—

'The only question submitted to the adjudication of the Court and decided by the House of Lords was the question of legal right and title. No question of the equities which might arise when the question of legal identity had been decided was before the House of Lords or the Court of Session. It is not, we think, inconsistent with respect for the decision to say that, while the legal title of the Free Church has been placed beyond question, it is still to be noted that for practical purposes, it is only an inconsiderable minority of the original and undivided Free Church which it now represents ; and that, on the other hand, the United Free Church, apart from the single divergence from the original constitution which has deprived it of its claim to be identified with the Church of the Disruption, does still for all practical purposes, answer the description of the institution which the endowments obtained on Dr. Chalmers's circular were intended to maintain and is still a true representative of the original Free Church by virtue of its institutions and traditions and of its inheritance of the spiritual ideas and efforts which are the life of a religious body.'

The formal respect given in these words to the House of Lords judgment—and, from Royal Commissioners, properly given—only emphasises their frank statement that it was not equity, and even that the United Free Church, if not the legal representative of the Disruption, is yet a 'true' one in view of the things 'which are the life of a religious body.' As regards the specific funds and property, the Commissioners put aside, almost with sarcasm, the idea that what the legal Free Church cannot use may be available as 'negotiable assets'

and that money given for special purposes such as missions should be appropriated ' to strengthen generally the Free Church.' They remark :—

> ' We think it impossible that the Free Church should perform adequately or with any reasonable degree of success trusts which were intended to enure to the benefit of the nation and to be administered by an organisation covering the length and breadth of the country. This consideration alone would exclude their claim to the greater bulk of the real property of the original Free Church.'

The report goes on to indicate pretty plainly that the remark includes reference to the New College and the Assembly Hall, while Foreign Missions are an obvious illustration of it. Further, it gave no countenance to the idea that the legal Free Church may increase so as to ' enable it, within any calculable period, to take the place and perform the work of the Church which it professes to represent '—this last expression being surely one where even the lip service elsewhere done to the judgment forgets itself in face of the facts. The Commissioners' conclusions were drastic. The interference of Parliament is necessary. An executive Commission should be appointed and the whole of the property ' vested in it.' The ' first consideration ' in any redistribution of the executive Commission must be ' the due performance of the purposes for which the Funds were raised.' Where the Free Church are unable to do this, the Commission should transfer the property elsewhere and ' the United Free Church, by virtue of its institutions and traditions, its material and moral resources, and its organisation as a National Presbyterian Church, is entitled to be preferred on the

ground that it can adequately perform the trust purposes'; liberal provision being made for the Free Church, with a full allowance for their special circumstances in 'the poverty of congregations and otherwise.' Other recommendations, referring to matters of detail, follow in the same line. Such a report was never given before on a matter which the supreme tribunal of the country was supposed to have decided. It is not sufficient to say—as the Commissioners, in their desire to be respectful to the judgment, say—that the question before the law court was only a question of technical title. 'The only question,' said the Lord Chancellor himself, 'is *the due administration of the trust.*'[1] The report was an illuminative comment on his decision as to 'due administration.'

Principal Rainy received many congratulations on this report, which, one may add, was supported almost everywhere in the press. I quote Mr. Haldane's letter to Dr. Rainy:—

'I congratulate you warmly on the report. It is a complete victory, and it reverses the decision of the House of Lords in so far as that decision found continuity between Chalmers's National Church and the legal Free Church instead of the United Free Church. . . . It is just a little over eight months since you and I walked away from the Bar of the House of Lords apparently defeated. But I think neither of us doubted —*magna est veritas et praevalebit.*'

This report marked another and a notable stage in the progress of the claim of the United Free Church for justice, and yet one must repeat here the *caveat* which was given on the appointment of the Commission—

[1] *Authorised Report*, p. 177.

that the battle was by no means yet won. There was indeed the more need now for wisdom and prudence as the time approached for the actual parliamentary intervention to take place. Party feeling might easily arise at the last moment and wreck everything. The very reflections on the House of Lords decision so unmistakable in this report, however veiled, while they carried the mind of Scotland clearly with them, might produce a reaction south of the Tweed in favour of standing by the judgment the more stiffly. The report of the Royal Commission was a great step, but the victory was not won till a bill—and an adequate bill—became law. This was essentially a game which —if the metaphor may be permitted in these pages— was not won till the last ball was bowled. We now, however, may leave this matter till the introduction of the Government Bill, and turn to the subject—too long delayed in this chapter—of the Church's action in relation to the question of its own liberty, which courageously and consistently she had always treated as of prior importance even to the claim of a restitution of property.

For a Church that claimed freedom to live, the most serious thing about the House of Lords judgment was not the judgment itself but the principle or ground of it. The judgment itself took away property worth millions, and certainly that was serious enough and, the Church thought, also incredibly unjust. Still property is merely property, and the life of a Church consisteth not in the abundance of the things which it possesseth. Moreover, property is a matter of which a civil court is the appropriate and appointed arbiter—

that is the complement to the Free Church claim that a civil court is not the appropriate or appointed arbiter of *spiritualia*. So, while the Church regarded this particular judgment as outrageously unjust, there was no violation to any principle of the Church in the fact that the law should order property to be transferred from one body to another. But beneath this, was the ground of the judgment, and this was that the Free Church of Scotland was denied, at law and so far as civil effects were concerned, her claim to be a self-governing and legislatively free body which could determine such question of duty as the articulation of her faith. Here was a question far more serious than any question about property for a Church that called herself 'free,' and which had in 1843 sacrificed everything in order to be free to think and act in obedience to one Master and in subjection to one standard. At all costs the 'freedom to obey' must be held to, and, if possible, protected from future penalties. It has already been pointed out that from the very day that the storm burst, the Church put this matter, and not the matter of property, in the forefront. In the resolutions adopted by the Commission held on August 10th, there is only one passing reference in the last resolution to the procuring of 'remedies' for 'a great and startling wrong': all the other declarations are concerned with the far greater question of the principles of liberty of the Church's conscience 'with which this Church is identified, and to which it is incumbent upon her to give effect, notwithstanding whatsoever trouble or hardship she may have to encounter in so doing.' I have

also said that at the meetings held up and down the country this, and not a whining over lost property, was unquestionably the prevalent, as it was also the popular, note. And now, while the whole question as to the manner or degree of any restitution of property was still in the utmost uncertainty, the Church went on boldly to vindicate her principles of liberty of conscience in the most uncompromising manner. There were voices that counselled that this might be kept quiescent till the property was at least on the sure way back to the Church—or at least, if not counselling this, would have preferred it as the safer course. Principal Rainy, and indeed the whole spirit of the United Free Church in both sections, would not think of any kind of prudent temporising here. 'That Church,' said Dr. Rainy in one of his great rallying-cries in the struggle—'that Church will be free that dares to be free.' And at a stage when, as has just been said, there was absolute uncertainty what property would ever come back and, if any came, what conditions as to the principles of the 'trust' might be imposed upon the restoration of it, the Church renewed her claim to be subject to one Master and one standard only and that she would accept any property on no lower terms.

The declaration of this was prepared in the Advisory Committee with great care and submitted to the Assembly of 1905. This—the first meeting of Assembly since the judgment of the House of Lords—was, in many respects, a notable gathering. For one thing it had to meet in the old Synod Hall of the United Presbyterian Church which, after the Union, had been

sold to the City of Edinburgh: the enlarged Assembly Hall of the Church was tenanted by the Assembly of the legal Free Church, and the curious spectacle was presented there of a body of a few score trying to spread themselves over a hall which was built to accommodate thousands. Then, as was stated at the close of the last chapter, Principal Rainy had been nominated Moderator, and, of course, when the Assembly came, he was elected with unanimity and enthusiasm. 'We wish to show,' said Lord Overtoun in seconding the election, 'that to-day we continue to trust and honour our great leader.' Principal Rainy, on taking the chair, said he 'did not well know what to make of it; but,' he added, 'I comfort myself with the reflection that, whatever my shortcomings may be, the traces of them will speedily be swept away by the rising tide of young life in the Church—life intellectual, moral and spiritual.' His opening moderatorial address does not call for reproduction here. It was a careful résumé of the facts of the story since the judgment of the House of Lords, with which, of course, the Church was (as also the reader is) acquainted, but which it was of service to have restated to the public in an authoritative form. Dr. Rainy was full of hope. He spoke of the resolution and patience of the ministers and people who had been called to suffer. He was thankful for the way different sections of the Church had been drawn together. He was struck—and this really is one of the most remarkable features of the story—with the quiet persistence with which the entire work of the Church had continued to be carried on 'exactly as if the House of Lords had never acted or even existed.'

And he closed with an expression of spiritual expectation and of spiritual desire towards all the Churches. He said of this, in words which lifted the Assembly from any danger to think too much of material questions and too exclusively of its own interest and well-being :—

'Before the blow fell which has so strongly affected our fortunes, many persons among us were conscious, I think, in a more than common degree, of the need of spiritual quickening. For though it would have been foolish, morbid and untrue to regard our work as fruitless and unprogressive, yet one felt as if tokens of the joy of God's salvation were too scanty, as if the presence of the Spirit of power were too little manifest —as if the administration of the Gospel went forward in some places in a manner too level, in other places in a manner too languid, with too little of the stir and animation which betoken vigorous life. I am sure that this impression led not a few to turn with renewed earnestness and expectation to Him whose lovingkindness is better than life. And then we heard of renewed earnestness and remarkable awakening elsewhere, and that stirred us afresh to consider our ways. Now, in many of our congregations, there has come awakened interest. Young people have been stirred, more new communicants have been admitted, more readiness to do something for the good cause has been shown, and more expectancy in connection with effort ; and in not a few cases plain and solemn signs of souls seeking peace with God have remarkably appeared. Undoubtedly the strain and the anxiety of our Church troubles have had, under God, a place—how great a place I will not say, but certainly and visibly a place—in opening the way to these results. There is enough of this to encourage us. I would rather say there is enough to lay on us a happy obligation to look for more. We need more. The worst result of all would be if, in any case, the thought of the blessing received should minister to that fatal contentedness which lulls us into slumber and bereaves us of so much. And here especially, when we think and when we

pray in connection with the work of God, let us remember that we must not think of our branch of the Church alone. As we believe that other Churches are sharing, each in its own way, in the goodwill of the Giver of all good, so let us never forget to give to these Churches not only respectful consideration, but a genuine and a warm place in our affections, in our interest, in our prayers. Let us not dare at any time to desire and seek God's grace for denominational reasons. Let us desire the blessing for all the Churches of the saints.'

This note was carried on through much of the Assembly, which was indeed a religious more than a merely ecclesiastical gathering. I cannot here describe its proceedings, but space must be found for the brief address which the Moderator gave to the twelve new missionaries who were presented to him on the 'Foreign Mission night'—always the most densely crowded and most impressive of all the Assembly sessions. Dr. Rainy, speaking with the utmost simplicity to the row of missionary volunteers—six men and six ladies—standing before him said :—

'My dear friends, I need not say I am not going to make any set speech. You are going forth as missionaries; and we are none of us worthy to be missionaries; and you may have had your own difficulties about your own worthiness and fitness; but our trust and belief is that God has been moving you to think of this great work, which He has committed to us whose unworthiness He perfectly well knows. He takes it well at your hands that you are willing to go forth to the Gentiles to minister in some form the gospel of the grace of God. You have been hearing to-night what will suggest many encouragements and hopes. You will also have your difficulties—difficulties in the human nature you will have to deal with, and difficulties of other kinds. You must learn to bring your difficulties to your Master. There is a place for your own intelligence, your courage and watchfulness in the problems

you have to deal with, but your great need is to bring it to your Master, and to lean on Him who is able to solve all your difficulties. You will also make mistakes; you must make them; and you will be sorry for them. But we serve a Master of whom we believe this, that out of our very mistakes He can bring something good for us and for others, although it is connected with some wholesome humiliation. You will discover—and it will not be pleasant to discover—not only mistakes, but faults and weaknesses, which, perhaps, you are not enough conscious of as yet. And when you discover them, I know no way for it but to go straight to the Lord with them. My dear friends, give to this work the elasticity and strength and natural cheerfulness of your youth. And, by and by, give to it the results of your experience and your discipline. The first and last word I desire to say to you is—Put your trust in God, and in Jesus Christ His Son, absolutely and always. I would leave with you this text: "Who forgiveth all our iniquities, Who healeth all our diseases, Who redeemeth our life from destruction, Who crowneth us with lovingkindness and tender mercies.'

The cold print can convey nothing of the religious impression which these words from the venerable and saintly leader carried with them to the hearers.

We must turn, however, to the declarations passed by this Assembly on the subject of the Spiritual Freedom of the Church. What has been referred to is not irrelevant to this, for no one can understand the claim of the Church for freedom who does not look on it as part of the religious life of the Church. This principle, in at least the Scottish Church, has never been—what an Anglican bishop (who need not be named) curiously described it at this time—a merely 'romantic' idea; nor is it, as the layman in England not unnaturally regards it, a claim of clericalism. In the simplest terms, it is this. The Church has a Master,

and *that Master is living*; therefore the Church must be free to obey whatever His living voice says to her, either of truth to confess or duty to do. That is the whole idea at the root of the principle of liberty. The Church's authority is not anything dead. It is one Who lives and Who says, 'Because I live ye shall live also.' Therefore the Church claims the right to live, and the right, because the duty, to be free to listen and learn and obey. If it be said that this obedience means no more in the end than that a company of fallible men in an Assembly or other Church court decide what they think right, it is admitted. But in the end, what, put in the same way, does conscience mean but that a fallible man decides what he thinks right? A great and sacred principle is not to be dethroned because it operates through human channels. The living voice of conscience remains a vital law for the individual, and the living voice of the Spirit, both as to truth and duty, remains the law of the Church. Surely this is neither romanticism nor clericalism.[1] It is, indeed, a very essential of the idea of the Church. The whole idea of the Church—as the place of its mention in the Creed indicates—is part of the belief in the Holy Spirit. The Lord Chancellor held that it is 'the unity of its doctrines' that constitutes 'the identity of a religious community described as a Church.' Well, an apostle tells us that 'the devils believe,' and I imagine that their creed must be entirely orthodox and that they are quite agreed upon it: that does not make them a Church. A Church is not a Church

[1] It may be observed that in Presbyterianism, the Church never means merely the clergy.

of a creed: a creed is a creed of a Church. The essential bond of the Church is a spiritual bond to a Lord who lives and teaches and leads His faithful people, and does so to-day every whit as much as He did in the first or the fourth or the sixteenth century. This is the 'high-churchism' of the New Testament. And there follows from it the claim to be free, for where the Spirit is, there is liberty—there must be liberty to obey the living Spirit of truth.

The resolutions or declarations by which the General Assembly of 1905 reasserted the scriptural and evangelical claim of spiritual liberty—articulated now with the fresh distinctness which the situation demanded—are as follows:—

'The General Assembly resolve and declare as follows:—

'1. They assert and protest that these branches of the Church of Christ in Scotland now united in this Church have always claimed, and this Church continues to claim, that the Church of Christ has, under Him as her only Head, independent and exclusive jurisdiction and power of legislating in all matters of doctrine, worship, discipline, and government of the Church, including therein the right from time to time to alter, change, add to, or modify her constitution and laws, subordinate standards, and Church formula, and to determine and declare what these are.

'2. The General Assembly accordingly declare anew and enact that it is a fundamental principle and rule of this Church that, in dependence on the grace of God, recognising the authority of the Word of God, contained in the Scriptures of the Old and New Testaments, as the supreme, unchangeable standard, and looking to the Head of the Church for the promised guidance of the Holy Spirit, this Church has the sole and exclusive right and power from time to time, as duty may require, through her courts to alter, change, add to, or modify her constitution and laws, subordinate standards and

formulas, and to determine and declare what these are, and to unite with other Christian Churches; always in conformity with the Word of God, and also with the safeguards for deliberate action and legislation in such cases provided by the Church herself—of which conformity the Church herself, acting through her courts, shall be the sole judge—and under a sense of direct responsibility to the ever-living Head of the Church, and of duty towards all the Church's members.

'3. The General Assembly also declare and enact that in all the courts of the Church a decision of the court given either unanimously, or by a majority of its members present and voting, is the decision of the court, and the decision of the General Assembly so reached is final. With respect to Acts which are to be binding rules and constitutions of the Church the Assembly shall have regard to the safeguards referred to in the foregoing resolution.

'4. The General Assembly further declare that the Church holds her funds and property, present and future, in conformity with these principles; the Church reserving her right to accept and hold benefactions, subject to specific conditions attached to them by the donor, when and so long as she judges these conditions to be consistent with her liberty and her principles, and to be expedient in the circumstances of the time.'

As it has often been said that the claim of Spiritual Independence on the part of the Church of 1905 went to lengths unwarranted by the historic claim of the Church of Scotland and even by the principles maintained at the Disruption, I think it useful to let the reader compare these resolutions with the resolution passed by the General Assembly of the Church of Scotland in 1838. This is as follows:—

'That the General Assembly of the Church of Scotland, while they unqualifiedly acknowledge the exclusive jurisdiction of the civil courts in regard to the civil rights and emoluments secured by law to the Church, and ministers thereof, and will

ever give and inculcate implicit obedience to their decisions thereanent, do resolve, that as is declared in the Confession of Faith of this National Established Church, " The Lord Jesus as King and Head of His Church, hath therein appointed a government in the hand of Church officers distinct from the civil magistrate," and that in all matters touching the doctrines, government, and discipline of this Church, her Judicatories possess an exclusive jurisdiction, founded on the Word of God, " which power ecclesiastical " (in the words of the second Book of Discipline), " flows immediately from God, and the Mediator, Jesus Christ, and is spiritual, not having a temporal head on earth, but only Christ, the only Spiritual King and Governor of His Kirk," and they do further resolve, that this spiritual jurisdiction, and the supremacy and sole-Headship of the Lord Jesus Christ, on which it depends, they will assert, and at all hazards defend, by the help and blessing of that Great God, who, in the days of old, enabled their fathers, amid manifold persecutions, to maintain a testimony, even to the death, for Christ's Kingdom and Crown; and finally, that they will firmly enforce submission to the same upon the office-bearers and members of this Church, by the execution of her laws, in the exercise of the ecclesiastical authority wherewith they are invested.'

From a resolution like this, the reader may not only judge which of the parties at the bar of the House of Lords (and even which branch of Scottish Presbyterianism) is inheritor of the historic position of the Church of Scotland, but will see how in 1905 the Church could do no otherwise than she did. In essentials the resolution of 1838—which, let it be carefully noted, includes jurisdiction over ' doctrine '—and those of 1904 are the same, the additional clauses in the latter about majorities and the acceptance of benefactions being *addenda* called for in the new circumstances. Never did a Church act more, not merely with Christian

conviction but with historic consciousness, than did the Church of this Assembly. She was in the full stream of the history of the Church of Scotland.

Principal Rainy, by request, vacated the chair to move these resolutions. He said that this was not any new constitution, but was a declaration in a new form of principles 'dear to them and their fathers.' The judges of the House of Lords had failed to see in their history and documents 'what the Church thought very visible'—though of this he added, 'they ought not to allow what had taken place to shake their belief in the desire of judges in the civil courts to do justice'—and so, now they were 'certified by law as a new Church,' it was natural to state what the constitution of this 'new Church' was. The principle which the House of Lords applied 'so resolutely, if he might not say ruthlessly' —the principle, namely, that every doctrine read into the Church's origin must bind it for ever—'was not their conception of the Church of Christ.' It was 'utterly inconsistent with the idea of the Reformation.' Therefore they gave in these declarations 'a plain statement' of what their claim was that it should be regarded in the future. The Principal then went on to expound, at once boldly and cautiously, this doctrine of spiritual freedom subject only to one Master and one supreme standard. 'They made no claim to have the right to alter their supreme standard.' But 'they claimed the right to study it,' and 'they claimed the very responsible right from time to time to express convictions as to what the Spirit of God taught them out of His Word.' As to their confessions and creeds, they were gratefully to be acknowledged and guarded,

but as 'human statements and therefore not above being reformed and amended' and certainly 'not allowed to come between them and the Scriptures as something that was to dominate their faith.' They must still 'hold themselves responsible primarily to their Lord in subjection to His Word and looking for the promised influence of His Holy Spirit.' This did not mean—it was 'a travesty and caricature' to say it meant—anything 'subversive' or 'revolutionary' or 'casting loose in the matter of doctrines.' Dr. Rainy repudiated that in a passage spoken with feeling emphasis. He said :—

'They were the children of the Reformation; they were the children of the Scottish Reformation. They were Presbyterians. They were believers in a great evangelical system of faith. They believed in God the Father, Son, and Holy Ghost. They believed in the great redemption of Christ. They believed in the office and work of the Holy Spirit. They believed emphatically that salvation was of the Lord always, and in every case it was His wonderful work of saving the sinner. And so it was from no desire to change—he would not say the foundation of the creed—it was from no desire to cease to be Scottish evangelical Presbyterians that they made that assertion. They did it because they must make clear to the world the meaning of the Reformation, and the meaning of that independence of the Church of Christ, which was not conceived by their fathers as something that existed then, and never was to exist any more.'

This last sentence was delivered with immense force and awoke prolonged cheering. But all the above is the merest indication of a weighty and powerful speech. The few speeches that followed, in support of the resolutions, were also worthy of the occasion. Mr.

Taylor Innes, whose mastery of the whole subject of the law of creeds is acknowledged, closed the discussion with this just summary of what was being done :—

> 'What they were doing that day was nothing but expressing the ordinary conviction of nine-tenths of Scotland, and of all Presbyterians throughout the world, that it was the business of a Church to manage its own affairs. They had to write that out in clear words not for themselves, but for those who needed it. He believed that it was the best thing also for the law. Meantime, the lawyers were taking the "low road," and the Churchmen the "high road"—the old, hard, high road of suffering and of honour! It was well for the Church—but what of the law, with its great capacities of justice? He held that by the Church as a whole accepting those resolutions they would be doing the best thing, and the first thing, and the only thing they, at this moment, could do, to lay the foundations for the law of the future in this matter, as well as to safeguard their own rights.'

The declarations were unanimously adopted. It was further resolved to send them down to Presbyteries 'in order to make it manifest to all that the whole Church explicitly adheres to these principles.' At the subsequent Assembly of 1906, it may be added here, the resolutions were reaffirmed with the unanimous consent of Presbyteries.

The very unanimity with which all this was done, with, therefore, the absence of great or prolonged debate over it, may disguise from the reader the historical significance of the step. In a very true sense, this was the crowning act of Dr. Rainy's ecclesiastical career, and it may very possibly prove, in the future, to be his great contribution to the long and heroic story

of the battle of the Scottish Church in defence of the liberty of Christ's Church. It is of biographical importance to pause and realise the precise place and significance of this step in the historical development that had taken place in Scotland since the Reformation.

The history of the Reformed Church of Scotland, in connection with this matter of spiritual freedom, is, on the one hand, an unswerving adherence to it as the principle of the Church's conscience to be therefore maintained at whatever cost of pains and penalties, and, on the other hand, a series of experiments by which this principle and the civil power might be harmoniously related to each other. The great Scottish Churchmen were men of conviction and never surrendered the Church's conscience; but they were never mere fanatics and were always desirous to assert it as advantageously as possible in relation to the State. Hence this series of experiments I speak of, which began with Knox, and of which the declaration of liberty which has been described is the culmination. Only the briefest and baldest indication of the history of these can be given here.

At the Reformation, the Church under Knox was independently organised by her own act without any reference to the civil authority. This came first. The Church was in being—claiming to be, or rather acting as, a Church—before any question arose as to her relation to the State. But seven years later—in 1567—this Church was established.[1] In this establish-

[1] It would be well, even in the present day, if people realised that there was a National Presbyterian Church in Scotland years before there was an Established Church—as there may be the former again after the latter has come to an end.

ment, the Church held and believed that the civil authority was not conferring any Church powers upon her but was 'recognising' the rights and powers already existing and operating. It was on these terms that the Church sought and accepted establishment. This was the first experiment.

But even before Knox's death, Stuart absolutism was pressing upon the Church's freedom—either outwardly denying it or secretly undermining it. A struggle began and was carried on resolutely by Melville and others. At last a respite seemed to be reached by the great Act of 1592 which gave an explicit charter to the Church and, annulling the royal supremacy, acknowledged 'the liberty of the true Kirk of God presently professed within this realm.' A new and apparently safer relationship between Church and State was thus entered upon, and this was the second experiment.

What liberty, however—ecclesiastical or civil—was safe from the perfidy and tyranny of the later Stuarts and their ministers? The struggle broke out more fiercely—the freedom of the Church's and the freedom of the individual's conscience being now equally assailed—and this phase was a terrible one, the story of which is written in blood over areas of Scotland. Into the 'killing times'—the times of Claverhouse and the Covenanters—I do not now even begin to enter. They were not ended till the Stuarts were deposed, Episcopacy disestablished and the Revolution brought a new era. It brought also a new 'settlement' of Church and State. This 'Revolution Settlement'—associated with the name of the sagacious Carstares

—seemed to provide ample guarantees for the spiritual liberty of the Church. The Confession of Faith itself —with its emphatic doctrine of a government of the Church committed by Christ to church officers and 'distinct from the civil magistrate'—was actually made statute law; and when, in 1707, the Union of the Parliaments of England and Scotland was effected, this 'settlement' was most carefully 'secured.' This was the next experiment, and, though from the outset some Presbyterians distrusted it and refused to enter the Establishment under it, the Church as a whole accepted it as a great security for the future.

But this experiment, too, proved fallacious. In the legal decisions given immediately prior to the Disruption,[1] it was laid down (as has been narrated in an early chapter of this work) that, under the terms of her statutory relation to the State, the Church had no inherent rights and liberties, that she was 'the creature of statute' and must obey statute even, in certain circumstances, in the performance of, or the refraining from the performance of, spiritual acts. The Church protested, and appealed to Parliament to revise the terms of the contract if this was the meaning of it; but Parliament, as we know, refused even to inquire into the question. This ended the experiment of establishment abruptly for a large and certainly not the least faithful section of the Church, and Chalmers led forth a great band to a new experiment—a Church sacrificing all State protection and support and going

[1] I omit reference to the Secessions of the eighteenth century simply because they did not mark a separate phase of the development. But they are in the direct line of it, and indeed have the credit of having anticipated its next step.

forth to be 'free' in name as in fact. Probably at this time, no one—either friend or foe of the 'Free Church of Scotland'—doubted that, by this great act of sacrifice, the Church had now fully purchased her freedom and that this would be the last experiment.

But it has proved not the last experiment. Yet once again disillusionment awaited the Church. The judgment of 1904 has declared that, not even by the surrender of all State support, had the Church won her ever-cherished freedom. It was laid down that the 'Free' Church still is bound—bound not now by the tyranny of kings or by the conditions of statutory establishment, but by her own documents and declarations at the date of her separate formation. If she would completely be free, yet another step was needed —that she make the claim to that freedom in explicit terms which the law can read and interpret. Here, to take this next step, appears the churchman whose life we have recorded in these pages; and under him, the Church—once again paying, be it carefully observed, all the price demanded rather than compromise the actual work of freedom — made the formal declaration of her constitution which has been described. This is the latest experiment in the long series.

Knox, Melville, Carstares, Chalmers, Rainy—it is a clear and consistent historical development, and it gives the subject of this biography his definite historical position in the succession of the Scottish Church.

The story, too, is of more than historical or biographical interest. It bears immediately on to-day.

The three last phases in this series of experiments are each represented in the modern Presbyterianism of Scotland. The Established Church represents the phase of statute guarantee—including both statute protection and statute control. The legal Free Church represents a Church tied by law to her own past. The United Free Church is at the further stage—apparently the only stage where the law of the land can recognise the liberty of the Church of Christ. It is safe to add that this last Church will not forget the lessons that have been learned from these experiments in the past.[1]

Is then this really the final phase of a great historic series? Has Rainy, in truth, achieved the practical security of that Church freedom which Knox maintained was recognised when the Church was first established, and Carstares planned to safeguard in his great settlement, and certainly Chalmers was assured was at last vindicated by a superb sacrifice?

> 'Freedom's battle, once begun,
> Bequeathed by bleeding sire to son,
> Though baffled oft, is ever won.'

Is it won now? It is not for the writer to answer more than the reader. For my own part, I must be pardoned for saying that a man who has lived to hear the astounding misreading of history and see the monstrous miscarriage of justice in the judgment of 1904 cannot but feel that, if law could say that,

[1] The reader who wishes to trace more fully the historical development thus briefly outlined may be recommended to Dr. Thomas Brown's *Church and State in Scotland* or Mr. Hector Macpherson's *Scotland's Battle for Spiritual Independence.*

it is (as Voltaire said of Habakkuk) *capable de tout.* It is enough to say that the Church of 1905 has done her duty in the matter and she has every reason to believe she has not done it in vain.

This question has issues far beyond merely one Church. Spiritual Independence is sometimes spoken of as a ' distinctive ' principle of the Scottish Church, but this is an inaccurate way of speaking. A Church has really no business to have ' distinctive ' principles. A Church's principles should be Christian principles, and if they are Christian principles, then these are not a peculiarity or prerogative of some special communion. What is true is that the Church in Scotland has peculiarly articulated the principle and peculiarly striven and suffered for it. But, in itself, spiritual freedom is a catholic idea, and if it is not asserted or vindicated in some other Churches that is only to their disadvantage. It may well be that the action of the United Free Church of Scotland may give a great impetus to the advancement of the development of law in general toward the recognition of the existence of the living and growing Church. It is hardly an exaggeration to say that at the present, our law (except for a very qualified recognition of change in such matters as charities) takes cognisance of only two existences with the capacity of growth—the State itself and the individual. This is plainly inadequate to the facts of life. And law should meet the facts it has to govern. There is certainly great room for a development of legal doctrine in this respect and particularly in respect of the Church—a development such as already is to be found in American

law.[1] On the other hand, there are great difficulties—difficulties on the part of the law, because the very conception of a spiritually living body is hardly capable of legal definition, and also on the part of the Church, for, in some quarters (in, for example, a large section of the English Church), a deliverance from erastian bonds is not even desired. It may be that the method adopted by the United Free Church of continuing under the law of mere trusts, but stating this liberty as an essential part of the trust, will remain the only method by which Churches may achieve liberty; in which case, facilities ought to be provided for its adoption. Into this wide subject I cannot here enter: but in it lies the really interesting problem of Church and State for the future. Principal Rainy, more than once, expressed a somewhat quaint regret that in the Church case in the House of Lords, there had not been found 'some great judge' who would have taken that unique opportunity to do something which would help to 'redd the marches' on this subject. If only the Principal could have been on the Woolsack,[2] what an interesting judgment we might have had!

[1] American law on this subject is (I understand) not that of Lord Eldon or Lord Halsbury. It does not inquire into the original principles of the trust, unless a specific trust is involved. Where the trust is simply for the Church, the Court does not imply or manufacture its terms but treats the case on the ordinary principles of a voluntary association and regards the decision of the governing court, provided that has been arrived at in due form, as the determining authority, even though change of faith or doctrine has taken place. This principle of law was laid down by the Supreme Court of the United States in 1872 in the leading case of Watson *v.* Jones.

[2] Mr. Gladstone, I find, was the source of the often repeated remark, that if Dr. Rainy had gone into law he would have been Lord Chancellor. He made it at Hawarden in 1895 to a Free Church minister. The remark is now so hackneyed that, but for this, I would not give it even a footnote.

In his closing address as Moderator of this notable Assembly, Dr. Rainy again referred to the declaration which had been passed, and I may give the passage as again stating and also safeguarding this claim to freedom. He said :—

'To make one comprehensive affirmation is a course that has been forced upon us by a negation just as general : for the judgment of the Lords proceeded on the view that they could make no distinction in doctrines more or less important. Their business was to hold the Church bound (for the purposes of any civil suit in which she might be engaged) to retain what she had at the outset of her history declared, in the sense in which the civil court understood it—and that the attempt to do otherwise entails the forfeiture of identity and of the civil rights which accompanied it. That laid on us the obligation to declare plainly our position. Our faith as a Church is not grounded in the wisdom of our fathers—no human councils authoritatively bind it. Our orthodoxy is not guaranteed by civil restraints. We are as a Church subject to the Church's Head ; we receive His revelation in the Word ; and looking for the promised grace of His Holy Spirit, we are free because we must hold ourselves ready to obey One only. But this assertion of freedom is not of the kind that fosters arrogance : rather it is akin to reverence and godly fear. And there is much in the constitution of our Church tending to deliberation and caution in the exercise of it. Besides, we are thoroughly persuaded that Christians of former days, and sister Churches of our own day, have attained under the same Master to great knowledge and certainty of Divine truth, which we share with them. Therefore, while we have something to learn, we have much also to hold fast. We are conscious, by God's grace, of our possession of a great body of doctrine, which through the Word, and also through the providence of God in the history of the Churches—through the fidelity of marytrs and fathers—through the great return to Scripture of the Reformation, through many particular conflicts and revivals, became clear and dear to our fathers, and has become so also to us. In particular, we are Scottish

Presbyterians ; we value the life and the traditions we inherit, though we refuse, and we need to refuse, to place them in the room of our living Head or of His Word. We own some benignant purpose of God in the genealogy of Church life in which He has cast our lot, and in the peculiar influences which are derived to us from past history. We are not insensible to this, we are not tired of it ; but it must not run into idolatry. We desire to draw from our history, for ourselves and those who come after us, all the good it has carried with it. We are not ashamed of our fathers. But they taught us that one is our Head, even Christ, and that this holds not only for the individual Christian, but for the Church, for that peculiar society which He created and has promised to sustain. That the Church, every branch of it, in this relation, bears itself and performs its part most imperfectly we sadly believe and know. Nevertheless, it is the Church's life to claim this relation, to assert it, and to guard it through whatever trouble and persecution may arise.'

Whatever else be in the constitution of the United Free Church of Scotland, this is. The Church had thought it was written over all her history from the Reformation, and especially in the great deed of 1843. But this kind of writing is apparently not everywhere legible. It is written now in black and white and surely may be read of all men.

But to this something must be added. The Church will make a great mistake if she puts her trust finally even in this declaration. The real security of the Church's freedom is not there. It is where it has always been at each critical phase in her historic struggle—in her own faithfulness in any hour of danger. After making even the clearest declarations, after taking the amplest securities and the most careful legal precautions, it is not to be forgotten that freedom of conscience remains for a Church, as for an

individual, something to stand for and, where need is, to suffer for and never to sell or surrender. The Church that passed the historic declaration of 1905 may be free—I think, is free. But the final guarantee for it is still in Dr. Rainy's great word —'that Church will be free that dares to be free.'

CHAPTER XXVIII

THE RESTITUTION OF JUSTICE

IT has been pointed out that no small part of the significance of the Act of the Church in thus uncompromisingly asserting her claim to liberty lay in the circumstance that this was done while there was yet the utmost uncertainty as to what might be done by Parliament in any proposals for the restitution of property. The secular press was, I find, somewhat at a loss to know what to make of the 'unwisdom' of this. It was only of a piece with all Dr. Rainy's methods. He was really a man of most unswerving adherence to principle as something to be kept the first thing whatever the risk. At this very moment when he was reaffirming the Church's principle so uncompromisingly—almost defiantly, as some thought—the risks as to the question of property seemed to be increasing rather than passing away. The Government Bill was delayed, and it was clear, from many reports, that it was not going to be an entirely simple measure. A short bill giving the Commission executive powers and general directions to carry out the Elgin report would have satisfied the United Free Church. But persistent rumour attributed to the Government the intention of large specific endowment of the legal Free Church. Principal Rainy went up to London and saw,

among others, the Attorney-General (Sir Robert Finlay), and found him chiefly 'concerned as to how the Free Church was to be financed.' Thereafter the Principal wrote to the Prime Minister as well as to others. It is sufficient to give his letter to Mr. Balfour, which was as follows:[1]—

'*7th May* 1905.

'DEAR SIR,—My only excuse for troubling you amid your many preoccupations is the critical point at which things now stand with reference to the Scottish Churches Bill. I have of course no information, but I have observed a disposition to take securities for the number of churches to be allotted to the Free Church and for the endowments to be given to occupants of charges in that Church. I believe it is impossible to reckon just now how many churches should go to the Free Church because the figures as yet differ so widely; but a Commission with powers would soon get near the truth. So it is impossible to predict in how many places the Free Church rationally could and ought to plant an ordained ministry even if they got churches. They must largely employ lay missionaries for small groups of people, just as we in future will cease to have ordained ministers in thirty places where we had them before. Then among the churches claimed by the Free Church, there are forty in which there are either two churches or a church and mission-house or a church with separate hall; and in such cases the question of accommodating both parties naturally arises. Surely we should not have new churches built amid the decreasing population of the Highlands unless on absolute necessity. Again there are cases in which two United Free Churches could be united and a church and manse left free for the Free Church—though not necessarily that which they would prefer to have. Surely all these points might be left to a free hand and a large discretion for the Commissioners.

'Fixed rules in the bill, then, will be difficult and sources of difficulty. One could understand schedules disposing of

[1] The version I quote is marked 'Copy (minor alterations).'

every case; but that is what the Commission is to arrive at, not to depart from.

'Finally, we dread an immense diversion of Trust funds from their original purpose for the sake of equipping a small Church on a chimerical scale—that is, on the scale of their claims and expectations. They must have houses for worship, college, hall and offices, and a large share of Sustentation Fund capital and Highland endowments. But a Church mainly upheld by fixed endowments at the cost of Funds contributed for totally different purposes is a quite different thing. All these questions, however, we are willing to leave to a Commission of men like the Royal Commission, who knew how to get at facts and to apply Christian sympathies and common sense to the situation.

'I must again apologise for asking your attention to these considerations.—Yours very truly, ROBERT RAINY.'

There was another source of anxiety regarding the forthcoming bill. This was the complication of the matter by the introduction of the large and controversial, or at least debatable, subject of relief to Churches generally in their relation to their doctrinal subscription. It gradually became apparent that nothing was likely to be attempted in this direction on a large scale. But in connection with one Church—namely, the Established Church of Scotland—it assumed an unexpected urgency, and an element suddenly was introduced into the situation which had the possibility of new dangers for the bill, though, it should be added, some observers took a different view. The circumstances connected with this are of interest and are not irrelevant to our story.

For a number of years (as was mentioned in the earlier chapter which dealt with the passing in the Free Church of the Declaratory Act of 1892) a move-

ment had been carried on in the Established Church, under the leadership of Principal Story, for the relaxation of the stringent bonds of the Confession of Faith. This had resulted in the Assembly, which was legally advised that it had no power to pass a Declaratory Act,[1] approving of certain resolutions on the subject, particularly in 1903, when it was declared that 'the Confession of Faith is to be regarded as an infallible rule of faith and worship only in so far as it accords with the Holy Scriptures, interpreted by the Holy Spirit.' With this somewhat curious deliverance—which declares something nobody ever denied, least of all the Confession itself—the question subsided, it being explicitly stated that nothing more could be done without consent of Parliament. The idea of going to Parliament was put aside as impossible. Dr. Scott, the leader of the Assembly, denounced the suggestion in the following strong terms :—

'If they went to the State to get a modification of the Confession of Faith or of their relation to it, they would be opposed by their own people, they would be opposed by the whole dissenters of Scotland, they would be opposed by their very friends in the Government—there could not be a more insane proposal.' [2]

This was in 1903. But the judgment of 1904 and the prospect of a parliamentary measure dealing with it seemed to leaders of the Established Church to give

[1] 'He said boldly, with all the confidence he could give to a legal proposition, that the Church had no power whatever, unless it was prepared to break its bargain with the State and give up that connection, to make such a Declaratory Act as their friends over the way passed some years ago.'—Sir John Cheyne, Procurator to the Church of Scotland, in the Assembly of 1903.

[2] Debate in Established Church General Assembly, 27th May 1903.

an opportunity too good to be lost to apply for what, a year or two before, it would have been 'insane' to ask. Accordingly Lord Balfour of Burleigh, as Convener of the Church Interests Committee, brought before the Assembly of 1905 (though his Committee had had no remit on this subject) a recommendation to approach Parliament to secure for the Church the repeal of certain Acts binding her ministers very stringently to the Confession of Faith and also permission to make her own formula of subscription. There was a long debate over the proposal and several amendments were moved, among them one proposing to refer the matter for the consideration of Presbyteries, which, in view of Dr. Scott's declaration two years before, that 'they would be opposed by their own people,' seemed not uncalled for. But by some power of persuasion other than the force of public debate, every amendment was withdrawn. Lord Balfour's motion was carried unanimously amid enthusiasm. This was on 24th May. On 3rd June, it was stated in the press that the Church of Scotland's request would be included in the Government Bill dealing with the Free Church trust.

It was inevitable that this sudden action on the part of the Established Church should provoke a certain amount of criticism in sections of the United Free Church; but fortunately any hostility thus awakened was not predominant. Certainly some were inclined to regard the action as a not very considerate jumping on to a neighbour's back in the mid-stream of his troubles in order to be quickly borne across waters which the Established Church had admittedly shrunk

from venturing to ford alone. And clearly, it was a fresh case of a State Church securing from a friendly Government something for which—as in the Patronage Act—another's staunchness and sacrifices were paying the price. Moreover, from the more public point of view, it was justly to be observed that this was a change in the contract between the Established Church and the nation and yet the constituencies of neither had been consulted. Nevertheless, the general feeling in the United Free Church was that no opposition should be offered to this movement. Not certainly that, in any sense, this was doctrinal liberty as the United Free Church understood and claimed it. The very altering of the statutory bond was a reminder of it: you cannot lengthen a chain without clanking it. But if this was what the Established Church desired in the way of relaxation, it was not for the Church which claimed real liberty (and claimed it not for herself alone) to grudge it. As for the time of it, Lord Balfour disclaimed any idea of taking an unfair advantage of other people's troubles, and that disclaimer was—as was right it should be—accepted. The Advisory Committee, on behalf of the United Free Church, took up a strictly 'correct' attitude on this matter. No responsibility was taken for its introduction, but, neither directly nor indirectly, was any opposition offered, though it was considered that, as it dealt with a quite separate matter, it should not be made part of the bill dealing with the disputed funds and property. Moreover, as the part of the bill dealing with the Free Church property was really urgent and must be passed, if prolonged controversy arose over this new element

and thus threatened to delay or wreck the bill, then the United Free Church reserved the right to reconsider her attitude. There was, at first, considerable anxiety as to this, and Principal Rainy was undisguisedly anxious about it. But the position taken by the Church was as indicated above, and I find Dr. Rainy writing on these lines to Sir Henry Campbell-Bannerman, who was much exercised over this new development.

It was, then, amid uncertainties and anxieties such as these that Principal Rainy went up to London immediately after the close of the Assembly of 1905 as one of a deputation from the Advisory Committee, to look after the interests of the Church in connection with the bill. He had aged visibly since the day, less than a year before, when he walked out of the House of Lords after the judgment. One reason for this the public did not know. It was some weeks before this date that the glandular swelling which eventually developed into the serious affection that proved incurable and ended his work, first gave Dr. Rainy anxiety, and he, at this very time, consulted two London specialists about it. As has been said, the public had no hint of this, and it was well, for a strong man in a struggle hates to be pitied—at least by strangers. But now it is all over, we may perceive the pathos of it, that this most personal reminder of human frailty should be brought home to him just when this long battle was come to its critical issue. There is no doubt that at this time Dr. Rainy was very anxious. One day in the Advisory Committee, when very dark forecasts of the Government Bill had been sent in from parliamentary friends,

he sat still in his chair at the close and then looked up and said we must remember that these things were really settled on another plane from that of human calculation and that we must 'take the whole matter anew to God.' On another day, when the prospects seemed worse, his face set like stone as he listened, and at the end, after a pause, he quoted the prayer of Ajax for light by which to die. My distinct impression is that Dr. Rainy was far more anxious on the day he returned to Westminster for redress than on the day he had left it defeated. On the latter occasion, he was going to appeal to his Church and his country, and he did that with a great deal of confidence. Now the issue lay in the quicksands of politics and was by no means sure. The day before the bill was to be introduced into the House of Commons, he asked the Prime Minister for an interview ; but Mr. Balfour, in a most courteous reply, said this might do harm rather than good, for any points in the bill the Free Church might dislike 'would certainly be attributed to your inspiration,' and he invited suggestions after the measure was introduced.

'The Churches (Scotland) Bill' was at last brought into the House of Commons on 7th June by the Lord Advocate, Mr. C. Scott Dickson, in whose charge it was placed, as Mr. Graham Murray—greatly to the loss of politics and of this question in particular but equally to the gain of the Scottish bench—had by this time resigned the Secretaryship for Scotland in order to become Lord President of the Court of Session in succession to Lord Kinross. The chief provisions of the bill were as follows. It established an executive

Commission to allocate the property between the Free and United Free Churches 'fairly and equitably but subject to the provisions of this Act.' 'Adequate provision' was to be made for certain specified Free Church objects—the support of the ministry and other schemes, including 'general purposes'—and the Commission was directed to appropriate for these 'such of the property as they think proper.' Congregational buildings were to be given to the Free Church wherever its members and adherents were one-third of 'what, in the opinion of the Commissioners, would have been the number of the congregation if the Union had not taken place.' Other details as to procedure followed. Then appeared —in Clause 5—the strangely irrelevant provision granting the Established Church power to fix its formula of subscription to the Confession of Faith, while a subsection in the last clause repealed parts of certain statutes of 1693 and 1707 which had bound every signatory in that Church to accept that document as 'the confession of his faith.' These were the essential provisions of the bill. The only speaker on the first reading (besides the Lord Advocate) was Sir Henry Campbell-Bannerman, who fastened his criticism chiefly on the already famous 'Clause 5.'

The measure certainly did the essential thing which the situation demanded by appointing an executive Commission to re-allocate the property. But the manner in which this re-allocation was to be made was such that the gravest question was raised as to what attitude should be taken to the bill. This is said not merely from the point of view of the interests of

the United Free Church. It is said not less from the public point of view as represented in the report of the Royal Commission. That Commission had declared that, in any readjustment, 'the first consideration should be adequate provision for the due performance of the purposes for which the funds were raised and the trusts on which they are held.' The bill not only ignored this 'first consideration,' but deliberately violated it by permitting the 'pooling' of all the separate trusts—for missions or colleges or any other object—to make up what was needed for the endowment of the legal Free Church. This was not only a disregard both of the chief recommendation of the Commission and of the very principle of the judgment, but it was also legalising malversation. If there was one thing which, in these months of controversy, had really got into the public mind and conscience of Scotland, it was that it was unrighteous malversation of funds to take money given, say, for Foreign Missions or Colleges, and apply it to, say, the 'general purposes' of the legal Free Church. A settlement which was based on such lines would not end the breach between law and ethics which had existed in Scotland since the judgment began to be put in operation. This 'pooling' of the trusts, whether done by an individual or by Act of Parliament, was not a proper use of the money, and it was no answer to this to say that the trust had already been broken as a whole, and might therefore be broken also in its compartments. On this point, public opinion at once voiced itself. But there were other serious dangers in the bill besides this primary one. The provision to give buildings to the legal Free

Church wherever they could get persons to the number of one-third of the congregation at the Union to come forward now and declare themselves members or adherents of the Church invited gross abuse. The farcical character of the lists put forward as containing these 'followers' was matter of notoriety, and if an allocation of buildings was to be made that would really command public consent, the calculation would need to be made on some securer basis. Moreover, the word 'adherent' in the bill was absolutely undefined as to age or any other qualification. One other serious defect in the bill should be mentioned. It made no mention of the large number of legacies—amounting to between two hundred thousand and three hundred thousand pounds—which had fallen in since 1900. If these were not included in the scope of the allocation, the legal Free Church would of course claim them under the judgment and be endowed twice over. Moreover, this second endowment would still be held only for its specific trust purposes—for missions or whatever else was the purpose—and many of these the legal Free Church could not fulfil, so there would soon arise another derelict trust and the need for new parliamentary intervention. These were some of the grave defects of the bill, which, however, had one feature which was a great relief to the mind of the United Free Church. There was no attempt to accompany the restitution to that Church with any hampering conditions. The property was to be held under the Church's constitution; and thus it was made manifest that the bold policy followed by the uncompromising claim to freedom had justified itself

and indeed was made not a day too soon. It was in full knowledge of that bold claim—which was by Royal Command laid on the table of both Houses of Parliament—that the bill proposed to act. The Lord Advocate's words on this important point may be quoted :—

'We propose that the United Free Church, even after that declaration of power to alter her subordinate standards, should receive the property subject only to its being appropriated to "similar purposes" as it now stands appropriated to—that is to say, Home Mission property will stand appropriated to Home Missions, Foreign Missions to Foreign Missions, and so on—but otherwise no condition shall be attached to the property to be given to the United Free Church.' [1]

This, of course, was entirely satisfactory to the United Free Church. But in the important provisions that have been indicated, the bill was really a bad bill, and, if the Government would not accept amendments on these, it would certainly become a grave question whether the United Free Church could accept it as a settlement.

The situation at this moment was critical and uncertain. Dr. Rainy wrote of it thus to his son George in India :—

'What we may do if we don't succeed in getting amendments, I don't know. Some of our calmest men advise that if we don't get amendments we ought to oppose the bill out and out and allow the legal Frees to do their worst. I am very unwilling to come to that conclusion, but I am impressed by the kind of men who say that under the bill we might possibly be worse off than we should be the other way.

[1] 4 *Hansard*, cxlvii. 975.

'This intense preoccupation about questions of property is not quite safe. We need to feel that there are interests far more important, and if God sees we are losing sight of these, perhaps fresh troubles are a very fit way of bringing us to a wiser mind.'

The critical nature of the situation at this moment lay here. On the one hand, the bill as it stood was disastrous. On the other, to 'oppose it out and out' would be at once to make the whole matter a party question and *that* meant delay and all manner of danger. The only wise course was to press steadily on non-party lines for certain crucial amendments. This, during the next few weeks, Dr. Rainy did with remarkable prudence and perseverance, and in the end with a large degree of success.

The story of these negotiations for the amendments desired by the United Free Church is, in the nature of the case, one that cannot be detailed in an historical narrative. It was done by continual conferences, by meetings with members of Parliament and, above all, by private interviews with ministers of State. In this delicate and responsible work, Principal Rainy took the most influential part, and did it in a spirit and with an assiduous devotion that were extraordinary. The members of the deputation met together daily. Dr. Rainy's few and simple words of opening prayer were a feature the mention of which should not be omitted. Then he worked, and required others to work. The deputation frequently sat for hours continuously, but Dr. Rainy never seemed to flag, and his alertness as well as force and clearness of mind were astonishing. Then followed meetings with the Scottish members

of Parliament connected with the United Free Church. Here it is right to put on record the great debt the Church owes to the aid given at this time by Mr. Thomas Shaw, to whom was entrusted the care of the amendments pressed for by the deputation; and with him should also be mentioned Unionist members —notably Colonel Denny and Mr. Cameron Corbett— whose active co-operation did invaluable service in preserving the non-party character of the question. At first little progress was made. There seemed to be some resisting power behind, which the representatives of the United Free Church were unable to reach. Of course, too, the other side was making its representations, and its vantage ground in law was strong. In these circumstances, it would be impossible to overstate what the interests of the United Free Church owed to the really great personality of Principal Rainy. Of this, a member of the Church's deputation—Professor George Adam Smith—has given a true description in the following sentences :—

'In so crowded and busy a situation, what one remembers most is Dr. Rainy himself. We met and heard many of the foremost men of the time, but to see him with them was to recognise that none was built bigger than he was. All classes whom he touched were impressed by the power and the dignity of his bearing, and his word had as full authority as that of the highest. We were in the position of appellants with the difficult task of justifying our claims before Parliament against the highest court of the land. But more than once, his unique experience and his sheer moral force would, for the moment, seem to reverse these relations, and his quiet word would be accepted as the decisive sentence on the issue. At one conference, a member of the Government was impatient

over some suggestion that Dr. Rainy put before him, and sprang to his feet saying, "*You* ask this, and *they* ask that: what are we to do between you?" Dr. Rainy's quiet reply was, "You are there to see justice done between us." The sympathy and reasonableness of his mind were manifest in his appreciation of convictions on the other side of the case and of the difficulties and sincerity of the Government; but these never impaired the clearness and force with which he put forward our claims. On one occasion we had reason to know that his quiet review of a part of the situation, given rather as by a judge of the case than as by the advocate of one of the parties, was the cause of an important modification of the Bill.'

The above is an impression which many could corroborate.

The result of it all was remarkably manifested when —on 4th July—the second reading was taken. In his first sentence, the Lord Advocate announced important amendments. The Government agreed there should be no 'pooling' of the separate trusts in order to endow the legal Free Church. They were prepared to include the subject of legacies. On the crucial question of the basis on which to reckon members and adherents, they made the important concession that it should be the state of the congregation in 1900: that is to say, only those who could prove a connection with a Free Church congregation then would be reckoned, and thus the somewhat dubious 'Free Churchmen' whose zeal for the faith of their fathers had suddenly revived with the announcement of the windfall which was brought by the judgment, were debarred from the reckoning. With this, however, the Lord Advocate intimated that as a *quid pro quo* to the legal Free Church the proportion required to obtain a building might be reduced from a third to a fourth. On Clause 5, he was frank. He

pointed to the freedom the United Free Church claimed and possessed, and said this 'would handicap the Church of Scotland,' for 'younger men desiring to enter the ministry would enter the wider portals of the United Free Church and the Church of Scotland would not get the more tender consciences.'[1] A more naïve admission showing to whom the Established Church was really indebted for this relief could hardly be made. But the battle for freedom always has this among its fine features—that it benefits even non-combatants. This is, indeed, one of the blessings of fighting it :—

> 'Happy are all free peoples, too strong to be dispossessed ;
> But blessed are those among nations who dare to be strong for the rest.'

In all this, however, there is, as has been said before, nothing to grudge to a sister Church. While comment such as the above could not but be freely made in the United Free Church, it was made quite good-humouredly, and the general feeling certainly was to wish the Established Church only well in a relief which, by the confession of those who gave it, she had been granted because some one else had been 'too strong to be dispossessed' and had thus been strong for others too.

The debate on the second reading need not detain us. It was an admirable debate, and made it manifest that at least all the Scottish members realised that the mess into which the judgment had plunged the country must be remedied. To this feeling, no one gave more

[1] 4 *Hansard*, cxlviii. 1019.

representative expression than did Sir Henry Campbell-Bannerman, who, however opinions may differ as to his views on questions which divide parties, was on a matter such as this a 'member for Scotland' as few, if any other, Scottish parliamentarians were. His opening statement may be quoted as giving an outside view—and really the public view—of a judgment and a situation which have, in these pages, been recorded from the Church's standpoint. He said :—

'The decision of last year came like a thunderbolt on the people of Scotland. But the people of Scotland are a sensible and law-abiding people, legal in their disposition, and they have accepted loyally that decision, subject to two reservations to which I think it right to refer. In the first place, it would not be fair to conceal the fact that there is an underlying sentiment that the judgment is weak in one particular—namely, that it was the judgment of a number of eminent men, perfectly impartial and perfectly competent, no doubt, in their own sphere ; but men who, with one exception, had no personal acquaintance with the conditions, history, sentiment, and feeling of the people of Scotland, and men who did not possess full knowledge of the actual situation. This point had been decided in Scotland at every stage in the career of litigation, going from one court to another, and by every judge whose duty it was to form an opinion on the subject it was decided in an opposite sense to the decision given by the House of Lords. However loyal we may be and are to the judicial arrangements of the country, we cannot somehow get this altogether out of our hearts. Then there is another thing. After all, the Church is not a limited liability company or a great engineering concern. It exists for a higher, nobler and more beneficent purpose. The sight of this great ecclesiastical organisation which permeates Scotland and which reaches out its hand in missionary effort to the ends of the earth—an organisation created and sustained among us by efforts and sacrifices perhaps as splendid as anything the history of mankind can show — that this organisation

should be stripped of its power to fulfil its great functions and its funds handed over to a small number of men who have no pretension that they can fulfil these great duties, moved the heart and conscience of Scotland more than anything in our generation. Therefore, while we accept the decision of the Supreme Court, we accept it subject to these feelings and convictions; and we feel, with all respect, that the tribunal ought to have taken into account the ultimate result of their decision. At all events, it becomes clear that this legal wrong must be righted.' [1]

It surely is rare—happily rare—that a responsible leader in Parliament comments in such free terms on a judicial decision, yet it was done without a whisper of protest from any quarter of the House. In the debate that followed, the only matter that really caused cleavage was Clause 5. On this, some erastian and non-conformist English members divided against the second reading, which was, however, carried by more than three to one.

Immediately after the second reading debate in the House of Commons, a special meeting of the Commission of Assembly of the United Free Church was held to receive the report of the Advisory Committee on the bill. Principal Rainy made a long statement dealing with various matters of detail. He gave the Government full credit for much, but made this general criticism:—

'The Government were considering the question too much as one between two contending parties with reference to whom they would make a concession on this side or on that, and did not sufficiently realise the position which they had assigned to themselves as men whose business it was to regulate the application of trust funds and to make sure as their primary duty that trust property was applied to its proper purpose,

[1] 4 *Hansard*, cxlviii. 1025.

and beneficially applied, by those who would administer it to that effect.'

This was a just criticism—the original proposal of the Government to 'pool' the funds is in itself sufficient proof of it—and it is an example of Dr. Rainy's habitual faculty of stating his case, not as *his* case on his side, but on general public grounds which were the grounds on which the Government should act. It was reasoning of this kind which was the real lever he so successfully applied in many of his negotiations in the matter, and it was the kind of reasoning to which there was no answer. On Clause 5, Principal Rainy, in his speech at this Commission, was careful only to repudiate the idea which had been advanced by some Established Church members of Parliament that the State was in the bill 'giving' the United Free Church its freedom, from which it was argued something might also be given to the other Church. On this Dr. Rainy spoke in characteristic vein as follows amid much applause :—

'He did not deal with that further than to say that the Government was not giving them, the United Free Church, any liberty. It was not proposing to interfere with their liberty. It had not threatened them with any privations of their liberty and they had not supposed or taken it for granted that it even wished to do so. It was dealing with property, and most emphatically, in dealing with that property, it was not pretending to give benefits to any party but to provide for the efficient administration of trusts. They regarded the desire of the Government to enter into this matter as prompt and worthy on the part of the Government, and they were grateful to it; but they were not to be regarded as having any liberty given them by the Government in the history of the bill or any stage of it. Their liberty was liberty which they had vindicated for themselves.'

Into the details of this speech we need not enter. A motion was adopted upon the various aspects of the bill, the suggestion as to Clause 5 being that it dealt with a subject quite distinct and should not form part of this bill. This meeting of Commission supplied an illustration of how strenuously the venerable Principal was spending himself for the Church. He had had meetings in London the day before, had travelled down all night, and was travelling up to London again the next night to speak at a great meeting in the Queen's Hall, which had been organised in order to enlighten English opinion on the situation. This Queen's Hall meeting was a great success, but it is impossible to stay to quote from its speeches here.

After the second reading was over, the battle of negotiating for amendments was resumed. It must not be thought that the amendments intimated by the Government were adequate from the point of view of the United Free Church. But on some things the Government were curiously firm. There were words in the bill confessedly ambiguous. What, for example, is an 'adherent'? What is 'adequate' provision for the Free Church? Does it mean, as perhaps from an Established Church point of view it might be held to mean, complete endowment, or, as certainly had always been the system in a Free Church, a fund auxiliary to continual free-will offerings? On such points the Government did not differ from what the United Free Church took the words to mean, but they would not agree to make the meaning more explicit. The bill in places was a 'concealed' bill, and this, it was frankly admitted, it had to be to meet some one's

'susceptibilities.' With this cryptic yet significant observation, the United Free Church had to be content. On one important point, however, the Church —one might say, Principal Rainy personally—scored a great gain. It will be remembered that the Lord Advocate, in intimating that they would go back to the congregation of 1900 as the basis of calculation, added that, as a counterbalance to this, they might reduce the proportion required by the Free Church in order to qualify for a building, from one-third to one-fourth. Now, the Government practically gave the United Free Church the choice of either alternative. If you want to go back to 1900, you must take it at a fourth. If you agree to the basis of calculation in the bill, you will get it at a third. Here was a fine occasion for a trial of wits. The Prime Minister said to Principal Rainy categorically (the Principal told me this himself), 'You can get either, Dr. Rainy, but you cannot get both'—that is, both the year 1900 and the proportion of a third. The end of the story is that the United Free Church got both. The result is a tribute to Dr. Rainy's remarkable power of argument, but it is also a tribute to Mr. Balfour's openness of mind to the force of a reasoned position, even though its acceptance involved going back on his own ultimatum.

The amendments were rapidly passed through Committee—Clause 5 alone leading to much discussion and division, but it was carried by 270 to 157—and the bill went up to the House of Lords a very different measure from what had been introduced into the Lower House. As a Conservative ministry was in office, there was no danger to a Government measure

to be apprehended in the second chamber, but naturally there was interest as to what might be said of it in a place not unconnected with the reason of its existence.

The second reading was moved on 31st July—the day before the anniversary of the judgment—by the Marquis of Linlithgow, Secretary for Scotland, who made a sympathetic speech. As soon as he had finished, up rose Lord Robertson. After an explanatory justification for speaking though he had been one of the judges in the case of the previous year, he proceeded to point out that the bill raised questions 'which involved the most serious consequences to property.' He objected to these two bodies being treated in the bill as 'competitors' for the property. 'One,' he asserted emphatically, 'is the true owner and the other is not the true owner'—a remark the maker of which surely forgot that the Free Church was not legally absolute owner, but was merely a trustee for certain specific purposes. The proper course, Lord Robertson maintained, was first to deal only with the Free Church, relieving it merely of what it could not administer and putting this 'at the free disposal of Parliament,' which 'might say that it should go to the Established Church and not the United Free Church.'[1] Now, whatever may be thought of Lord Robertson's intervention on this subject, it must be admitted that his speech politically took a view of property rights which might be supposed to be acceptable to the House of Lords, and, legally, suggested a course which indubitably was a quite arguable one. And yet the speech was received with

[1] 4 *Hansard*, cl. 850 *et seq.*

the most chilling silence. The Lord Chancellor sat as if he had no earthly connection with or interest in the question—though surely one might imagine that he was, in his legal capacity, not unconcerned with a proposal to take property forcibly away from persons to whom the law had assigned it, and, in his political capacity, not indifferent to any charge of being in a government whose bills 'involved the most serious consequences to property.' But he had not a word to utter, and eloquent as he had been about predestination the year before, it is just to say his silence now was more eloquent still. A general debate followed of no particular importance, and it was closed by Lord Rosebery, who counselled Lord Robertson not to 'apply too much of his legal acumen' to the matter.

The sequel, when the Committee stage was reached, was not less remarkable and amusing. The venerable Earl of Wemyss appeared and was greeted with warm congratulatory cheers, for the day was his eighty-seventh birthday. He was a fine picture of vitality, and his voice filled the Chamber as he uttered his protest against this 'State interference with property.' He drew an appalling picture of a government 'with a Socialist Prime Minister' saying some day to the leader of the House, Lord Lansdowne, that he had 'more than is adequate' and perhaps even taking Lansdowne House away from him. The title of the Free Church was, he maintained, 'indefeasible' and—here Lord Wemyss appealed straight to the Lord Chancellor who had given it—'had been affirmed by a decision of their Lordships' House.' He concluded by saying he would move amendments. Lord Robertson rose next,

but declared his intention to refrain from moving amendments, as at first he had meant to do. The reason he gave was surely the most remarkable ever heard in the House of Lords. He 'shrank from crystallising opinion on his own side in favour of the dangerous opinions to which he objected.' Here was a dilemma indeed for a faithful peer. The bill, Lord Robertson held, was Socialistic; but he dared not move against it, because that would be to force his fellow peers (since the bill must go through) to vote for Socialism. So he refrained, comforting himself with the feeling that the House was passing the bill with a contemptuous tolerance as 'a Scotch experiment.' Lord Wemyss's amendments were then rejected, and the measure passed through—the last word said being a pious hope from the venerable Earl that the Commissioners would not heed 'the prayers of Dr. Rainy.' The Principal heard and watched all this from the steps beside the throne—usually reserved for Privy Councillors—to which a member of the House had conducted him. The whole affair had an air of comedy which was a welcome relief after so many months of strain. The silent figure on the woolsack was the most interesting of all. *Miserum est tacere cogi quod cupias loqui.* [1]

Thus was passed into law a measure unique on the British statute-book. So far as the present writer can learn, there is no other instance (in modern times) of an Act of Parliament forcibly depriving persons of property to which they had made out their legal title to the satisfaction of the supreme tribunal of the land,

[1] 'It is wretched to be compelled to be silent on what you long to speak about.' A saying of Publius Syrus.

and arranging that the greater part of it be given to persons who had been declared in law to have no right to it.[1] As a writer at the time of the Free Church judgment said in an influential organ of legal opinion :—

> 'Acts are not infrequently passed to remove *for the future* what judgments of the court have shown to be hardships. But to take from a successful litigant by an Act of Parliament what the law has allowed him would be a dangerous precedent.'[2]

Nothing can now obliterate from legal history the fact that the judgment of 1904 made this 'dangerous precedent' unavoidable, and that the Act of 1905 actually has created it. It will not do, as Lord Robertson attempted, to dismiss this with contemptuous tolerance as merely a Scottish experiment. A single sentence suffices to show that it was something far more serious. A decision of the House of Lords as to the distribution of property had been, up to the passing of the Churches Act, absolutely final: it is no longer so. That is the result of August 1st, 1904.

I venture to say no legal authority is disposed to congratulate himself or the law upon this result of a legal judgment in the supreme court. In the second reading debate in the Upper House, Lord Rosebery spoke of the bill as 'respecting the soundness of the decision.' Not even the fact that the words were spoken by the most beautiful public voice in England could make them sound other than almost

[1] The Dissenters Chapels Act of 1844—passed to obviate further litigation after the House of Lords' decision in the well-known Hewley case (1842)—is no precedent for the retrospective action taken in the Churches (Scotland) Act. The debates on the Act of 1844 will be found in 3 *Hansard*, lxxiv., lxxv.

[2] *The Law Quarterly Review*, xx. 426.

cruelly ironical. Respect is a good thing. The more respect the law has, the better for it, and the better for the country. Well; is there a single judge in the land who is ambitious of this form of respect for his decisions? Can, indeed, any one who desires—as every right-thinking man must desire—to see the good name and the unquestioned authority of our supreme courts of justice upheld and magnified do otherwise than hope that this respect will not need soon to be paid again to a legal judgment? The truth is that Lord Halsbury and his colleagues in the majority in this famous case have done a worse turn to the law than to the Church which seemed so smitten by the result. The last word on the whole matter Principal Rainy said to me was, 'It has done us good.' Will any Lord Chancellor or ex-Lord Chancellor say of the House of Lords as a judicial court, 'It has done *us* good'? Is it a good thing for the prestige of the supreme tribunal of the land that the results of one of its decisions have thus been largely reversed by a Parliamentary Commission? Not only is this not a good thing, but it is, in very truth, 'a dangerous precedent.' There is only one thing which will, to at least some extent, detract from its character as a precedent, and make it something exceptional. That is, to admit that the judgment itself was that most exceptional thing in our judicial decisions—simply an error. The alternatives are these—either admit that five eminent but fallible men made a bad blunder, or establish the precedent that the results of *even a right* legal judgment may be reversed, and that retrospectively, at the instance of a parliamentary

majority. One may leave the judges to impale themselves on whichever horn of that dilemma they may find the more agreeable.

The safe conclusion will to many readers seem that the sooner this historically and legislatively discredited judgment of 1st August 1904 comes to be frankly looked on as—one does not expect or even desiderate it should be formally declared to be—simply an error (made, of course, in all *bona fides*) the better for the prestige of the supreme tribunal of the land, the decisions of which were a final and unalterable word till this indelible wound was inflicted on their finality by the hands, not of an enemy, but of its appointed highest custodiers.

CHAPTER XXIX

THE CLOSING YEAR: ILLNESS

THE work which Principal Rainy had gone through during the twelve months since the judgment of August 1904 was, for one of his years, extraordinary, and, with the passing of the Churches Bill into law, he looked forward (as he wrote to one of his family) 'to a little rest.' Assuredly he had well earned it. But there was waiting for him a burden of a different kind which deepened into a great sorrow. Mrs. Rainy was ill and was not getting better. It is pathetic how, during this period of exceptionally heavy public responsibility, Dr. Rainy's mind was also burdened with private anxieties. First, there was the appearance of his own glandular trouble; and now, his wife's illness. His own health, it should be said, had not continued to give much cause for fear and the swellings in the glands almost disappeared. But Mrs. Rainy, too evidently, was not going to get better. 'We *must* realise,' wrote the Principal in a letter in July, 'that the evening is falling.' In family letters, he wrote touchingly how grieved he was to be compelled to be so much away from her side, and how 'brave and cheerful' she was about it. During August and September she grew worse, but her bright spirit did not fail her. In one of

his published sermons, Dr. Rainy says, 'Do not make dying a separate thing from living; let the one and the other be continuous parts of one unbroken fellowship with Christ, so that you may die at last departing to that which is far better, on the self-same principles and grounds on which you have gone about any day's or any hour's avocations.'[1] Mrs. Rainy's last service was to give illustration to these words: 'she went down the valley,' said her husband, 'in the same simple way in which she went through the other stages of her life.' She died, without suffering, on 30th September. The event evoked so much sympathy that the funeral had to be made public. The Principal had the comfort of being surrounded by all the members of his family (except his son George, in India), for Principal and Mrs. Harper and their children had come home from Sydney for a visit.

The following is from a letter written by Dr. Rainy to the Rev. Alexander Lee a few days after the death:—

'I cannot say that I realise what has happened. I know she is gone who was the light of my home and of my life. But I don't know what it means. I would not be the least surprised if she opened the door and walked in. It is as if she were in another room. And so she is, but it is higher up on the everlasting hills. What it means will come home to me as the days go by.

'I have received a great flood of most sympathetic letters, and it has gratified me much to see in many of them such a discriminating appreciation of my dear wife. It may interest you to know that M'Neilage, Rounsfell Brown, and Macleod of Oban[2] have written; also, of the Established Church, Dr.

[1] *Sojourning with God, and other Sermons*, 265.
[2] Moderator of the Free Church Assembly.

Scott, Cameron Lees, Forrest, and Elder Cumming, besides laymen.

'I believe it will be good for me to keep up with what goes on.'

To another friend he wrote :—

'I must always feel the empty place, and yet I should be most ungrateful if I did not consider that eight-and-forty years of happy life together are not given to many married couples. Also there was much of Divine gentleness in the circumstances of her last illness. It remains that I should seek to learn the lessons set for me, and I am still a very slow scholar.'

In a letter, some weeks later, to his son George, he wrote :—

'The days run on and it is more than a month now since your beloved mother died. Nothing can deprive me of the memory —nor of the fact—of forty-eight years filled and gladdened by a great affection on both sides. Then—the love and loyalty of our children. All that has left its rich deposit in my life and has made me very rich. If now I am enabled to be alike rich towards God, how good it will be.'

In another letter to the same, after speaking of the political changes taking place at the time, he goes on :—

'But how deeply interested your dear mother would have been in all that is going on. One constantly thinks of telling her. But, as it is in Balde's poem—

"Bella super et Suecica castra,
Nubesque levaris, et astra ;
Penetrare quo nequeat sors,
Multo minus attonita mors.

Inde mundi despiciens molem,
Lunam pede calcas et solem ;
Dulce sonat ex aethere vox,
Hyems transiit, occidit nox."'[1]

[1] 'High above wars and the camps of the Swede thou soarest, and the clouds and the stars, where chance cannot penetrate nor dismayed death.

Through all his married life, Dr. Rainy had been not only the tenderest of husbands but the true lover of his wife, and the change which the greatest of earthly losses meant to him was something that cannot be written. Things such as these are too really of a man's *life* ever to be told in a biography. Thus the very title of this book is, after all, a fallacy.

Quietly and steadily, the Principal continued to work for the Church in the Advisory Committee in connection with the proceedings of the Executive Commission which had been appointed under the Churches Act. This Commission—the members of which were the three previous Royal Commissioners (the Earl of Elgin, Lord Kinnear, and Sir Ralph Anstruther, Bart.), with, in addition, Sir Thomas Gibson-Carmichael, Bart., and Sir Charles Logan—issued a recommendation that the two parties should confer with a view to agree as far as possible and so facilitate the work of allocation. Principal Rainy, as Convener of the Advisory Committee, at once wrote to the authorities of the Free Church, saying 'we welcome the opportunity of friendly conference' and offering to meet their views as to time and place and other arrangements. A formal acknowledgment was received, and later the following reply from the official secretary of the Free Church :—

'Although the Free Church holds that the Act which the Government has deemed it expedient to pass is essentially unjust, especially in that it is calculated to deprive of their

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Thence, thou lookest down on the great globe, sun and moon beneath thy feet, and thy voice sounds sweetly from the sky—"Winter is past, the night is gone."' Balde was a German Jesuit who flourished in the seventeenth century (at the time of the wars of Gustavus Adolphus 'the Swede'), and his poems won high praise from Herder and others.

rights in the property of the Church many considerable bodies of Free Church people whose legal title was perfect and who have done nothing whatever to forfeit their property, and to endow with it another Church, the Law and Advisory Committee have, nevertheless, resolved that it is their duty to facilitate the work of the Executive Commission and to appear before the Commission and to contend for the third time for the rights and property of the Church. The Committee are therefore prepared to act on the recommendation of the Commissioners by instructing their law-agents to communicate with your agents on the lines suggested by the Commissioners. I am instructing our Agents accordingly. "Friendly conference between the parties," I may add, seems to us neither necessary nor appropriate. The principles on which the property is to be allocated have been defined in the Act, and all that remains to be done is to apply these principles to the existing facts—a matter of business properly to be entrusted to Agents. The time for party conference was before the legal decision was pronounced. These considerations appear to be conclusive, and therefore it is fortunately unnecessary to lay stress on the fact that it might be difficult to find among your representative men, those qualified to meet us in friendly conference by reason of the opinions held, and at least publicly expressed, within the last year by many of those regarding the Free Church and its leaders.'

This letter is not quoted here in order unsympathetically to show the soreness felt by the legal Free Church over the passing of the act of restitution. On the contrary, that soreness is entirely intelligible. The complaint about having to contend 'for the third time' is not without its justification. This was part of the manifold injustice of the judgment of the House of Lords that not only did it do a 'monstrous' wrong to the United Free Church, but the very righting, to some degree, of that necessarily led to what the successful litigants felt to be hard. In short, this ill-starred

judgment succeeded in the end in doing a bad turn to everybody and everything connected with it—except, indeed, the pockets of lawyers. But not to dwell on this—a letter such as the above shows the character of the new phase into which the Church crisis was passing. It became now a matter of legal statement and counter-statement, of proposals and alternative proposals. Into all these often wearisome and vexatious details, one is not called to enter in this biography : all the more that, while Principal Rainy continued to take a most personal interest in it all, naturally the work was largely done by the agents and the officials of the Church, who gave themselves unsparingly to an often weary task. It was in work of this kind that the later months of the year were passed. The Commission made but little headway and, of course, every one blamed some one else for the slow progress that was achieved. At the end of the year, Mr. Balfour's ministry resigned, and Sir Henry Campbell-Bannerman formed an administration in which the Earl of Elgin became Colonial Secretary ; but fortunately this did not necessitate the resignation of the chairmanship of the Commission, though perhaps it helped still further to retard the disappointingly slow settlement of its problems.

Behind all these important but not very inspiring details of this settlement by the Commission, the situation within the Church made a continued call upon the steadiness and patience of those upon whom it more severely pressed. The New College had to begin a second year in quarters not its own, but the students were loyal to a man. With the passing of the Churches Act, evictions were now no longer possible, but the

numerous large congregations which had been turned out of their churches prior to the Act were of course still homeless. This was a cause of real strain in many places. But it brought great gains too. The sympathy and unity of the Church at large were awakened and developed. The Women's 'Temporary Committee' continued its timely aid in many directions. Leading ministers of the south—notably Dr. Whyte of St. George's, Edinburgh—went about among the harassed districts and brought new encouragement. Public sympathy too became enlightened, and many an English visitor in Scotland during the shooting season of 1905, finding a large congregation shut out from its familiar home and worshipping in perhaps a tent or a barn, while the church itself was either locked up or used by a handful of persons, got a new insight into the practical meaning of the House of Lords judgment.

A glimpse of a single case will enable the reader to realise this more than many general statements. In a Highland congregation, one of the great religious seasons of the year is the early winter Communion, celebrated after the work of the harvest is finished and in the time of comparative leisure before the winter fishing. Where was an evicted congregation to keep the feast? In, for example, a district in the Lewis, there was a large congregation homeless; the old Free Church, seated for fifteen hundred persons, was in other hands and was standing locked and empty. It was manifestly impossible to ask a congregation, including many aged people, to sit through the services of a Communion season—which, in the Highlands,

is continued from a Friday to a Monday—exposed to the open weather; and there was no house or even barn in the place which could accommodate a tithe of the number who would attend. But, as in Disruption days—when, in one case, a huge hulk was constructed and moored near the shore and the people, denied a meeting-place on land, worshipped on the waters—so now the faith of the congregation and the generosity of friends were equal to the occasion. A large quantity of timber and sails was provided, and a weird structure like a great African kraal was erected in the manse garden. The Communion Table stood on a platform made of the door of the manse gig-house resting on two forms. The seats for the people were planks placed on boxes or stones or peats. There was no flooring, and by the Monday, after a night of heavy rain, the ground was a mass of mire. Yet in these surroundings gathered a congregation of not much under a thousand, and was celebrated 'one of the happiest and one of the most profitable Communions held in the district for years.' A whole chapter might be filled with the stories and pictures of this time in the evicted congregations of the Highlands; but I must resist the temptation to be turned too far from our biographical story as it narrows to its close. One remark, however, should be added. To the reader, scenes such as these have the interest merely of the picturesque—or the grotesque, if he so looks on them—but, in reality, they have a far deeper element. In many of these cases there was real hardship, and the quiet heroism with which congregations bore the loss of buildings for which in many cases they had paid out

of scanty means, and with which ministers and their wives endured not merely inconvenience but constant worry and even risk to health as they had to leave comfortable manses for whatever temporary quarters could be prepared, is part of a not unworthy chapter of the story of the trials of the Scottish Church.

With the close of 1905, Dr. Rainy completed his seventy-ninth year, and on 1st January 1906 he reached his eightieth birthday. He received many congratulations, among them a letter of 'sincere and affectionate good wishes' signed by his colleagues on the Advisory Committee. He was in wonderfully good health, and he had, amid his continued labours and in his now lonelier home, a serenity and sweetness about his life which every one who was with him felt. One of his daughters writes of him at this time :—

'Father is very well. More than ever, the house where he lives seems filled like a benediction with an atmosphere of serenity and love and childlikeness.'

Two or three of his letters about this date may be quoted. Of his birthday, he wrote to Dr. Ross Taylor :—

'My dear Taylor,—I do not know whether you are fully aware of how much your friendship means for me. I cannot tell you how much I value it. Nor can I say how greatly I esteem the service which your disinterested, sustained and cheerful application of mind and heart to the work of the Church is continually rendering. As to future New Year Days, they must be few for me—they may be none. But I am thankful to have been spared to see the Church so far thro' the storm. An extraordinary amount of friendly feeling is expressed towards me—for which I am most grateful to God and man. But it puts me to shame. I used sometimes to say

that I was sure to be detected and exposed some day; but it really looks as if I were to escape!

'What an egotistical letter. Have you heard of Dr. Frew?[1] He is ninety-three and preached the other day on the text, "How old art thou?" He said he had found an old sermon on this text, but it proved of no use and he wrote a new one. The old one was dated 1847. That is an old man worth speaking about!'

In the same month he wrote the following to Dr. Alexander Maclaren of Manchester, with whom, the reader may remember, the Principal had been a schoolfellow:—

'I hear that you have completed or are just completing your eightieth year. As I completed mine on the first of this month, I send you a word of cheer at this advanced stage of the voyage. I rejoice to think of all God's goodness to you, and by you to others. I hope that, like myself, you have still a good measure of bodily health and comfort. And I pray that you may prove, with clearness and gladness, on to the end, that good and acceptable and perfect will of God.

'My dear wife was taken, after forty-eight years of happy fellowship, on the 30th of September. We had begun to talk of our golden wedding in 1907; but the Lord has ordered it otherwise, and no doubt it is well. I have great rest in the remembrance of her.'

To this look to the past, may be added the thought of the future from a letter to the Rev. Dr. Charles Watson of Largs (brother-in-law of Lord Kelvin), himself another noble and beautiful figure in old age:—

'I have been hearing much of you from friends who have recently seen you and everything I can hear is always deeply interesting to me. I hear indeed that you do not get any

[1] Minister of St. Ninian's United Free Church, Stirling.

younger: strange to say, that is my experience too. But we may have a humble hope that the best kind of youth awaits us in another country. The Lord grant it in His wonderful mercy.'

The thought in this letter of 'the best kind of youth' was so characteristic of Dr. Rainy in his old age that I shall insert here the following expression of it from one of the sermons in the volume already referred to in this chapter. In a singularly beautiful sermon on 'The Child Element in Christianity,' he says:—

'The poets indeed have said that the beauty and glory of childhood are left behind, so that only faint reminiscences are possible for us now. The vision has faded into the light of common day. It is only in "seasons of calm weather," since

> "Inland far we be,
> Our souls have sight of that immortal sea
> Which brought us hither,
> Can in a moment travel thither,
> And see the children sport upon the shore,
> And hear the mighty waters rolling evermore."

Only in some happy hour can we once more recover the point of view

> "From which the enlightened spirit sees
> The shady city of palm trees."

Shall the Kingdom of God avail to restore to us that blessedness? Indeed, it is not possible, it would not be desirable, by a process of retrogression, by resuming the conditions of immaturity; still less through the mere operation of decay, with its feebleness and its blunted sensibility. Far otherwise: we are to set our faces forward, leaving that which is behind. But in this Christian calling of ours, with its burdens and efforts, with its humiliations and its yearnings, there lies the promise (and there is found the *earnest*) of a noble childhood—childhood with its vivid natural experiences, its consciousness of a greatness all around that does not fret nor fever but that guards and rests, its fresh perception of

younger . strange to say, that is my experience too. But we [illegible] humble hope that the best kind of youth [illegible] country. The Lord grant it in His wonderful mercy.'

The thought in this letter of 'the best kind of youth,' [illegible] so characteristic of Dr. Rainy in his old age that I shall insert here the following expression of it from one of the sermons in the volume already referred to in this chapter. In a singularly beautiful sermon on 'The Child Element in Christianity,' he says —

'The poets notice how sad the beauty and glory of childhood we left behind us, that only faint reminiscences are possible for us now. The vision has faded into the light of common day. It is only in "seasons of calm weather" since

> "Inland far we be,
> Our souls have sight of that immortal sea
> Which brought us hither,
> Can in a moment travel thither,
> And see the children sport upon the shore,
> And hear the mighty waters rolling evermore."

[illegible] happy hour can we once more recover the point of view

> "From which the enlightened spirit sees
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[illegible] the Kingdom of God avail to restore to us that [illegible]? Indeed, it is not possible, it would not be [illegible] a process of retrogression, by resuming the [illegible] still [illegible] through the mere operation of [illegible] its boldness and its blunted sensibility. [illegible] to set our faces forward, bearing that which is before. [illegible] in our Christian calling of ours with its [illegible] with its humiliations and its yearnings, [illegible] [illegible] there is found the element of a [illegible] childhood with its vivid natural experiences [illegible] consciousness of greatness all around that does not fret [illegible] [illegible] and suits its fresh perception of

Photograph by John Moffat, Edinburgh. Photogravure by Annan & S

Principal Rainy and Granddaughter

the wonder and mystery of being, its pleasant ministries, and its contentedness to be a child.' [1]

And, in the same sermon, he adds later :—

'It would be good for some of you to be more in the way of coming to sit down at the feet of God in Christ, and to think that a child is glad to have a Father; also, that the Father is glad to have a child' [2]

This simple, trustful, natural gladness shone like a beautiful light in Dr. Rainy's life and character in his old age. Every one noticed it. One of his grandchildren said that she thought 'grandpapa must go to heaven every night, because he was so happy every morning.' Principal Rainy was now in the last year of his life; but indeed, in a far truer sense than the Athenian poet ever dreamed :—

Ὃν οἱ θεοὶ φιλοῦσιν ἀποθνήσκει νέος. [3]

Yet with all this, it is evident he was feeling the time was now near when he must put off the burden of his labours and that the end could not be far away. 'I am very well,' he once said, 'but at any moment, something may snap and my work be done.' 'At my age,' he wrote in a letter, 'a man should look steadily and quietly at the end.' In another, he tells how he has been going over letters of his father's, which described 'how he felt old age creeping on.' As to the question of his withdrawing from public work, he writes very unaffectedly and almost impersonally :—

'I feel as if I could be of some use in toeing the line along with others. Yet an old man should always remember that,

[1] *Sojourning with God and other Sermons*, p. 162.
[2] *Ibid.*, 166.
[3] 'He whom the gods love dies young.'—(Menander).

while in a case like mine, people will always put him at the head of things so long as he is *there*, there may be a feeling that his work is done and that he lags superfluous on the stage. So that a graceful retiral is not to be despised.'

It is safe to say that the suggestion that Dr. Rainy lagged superfluous on the stage never occurred for a moment to one of his colleagues. Indeed, the above extracts show that he himself was more conscious of his years than others were. Those working with him were rather in danger of forgetting how old he was and how much he needed rest. He had hardly any of the physical limitations of age (except, perhaps, a little deafness, on which, however, it was not safe to presume), and his mind was still not only clear but forcible. What did sometimes strike one about the laborious and not always inspiring work in which he was now so much engaged was its incongruity with, not so much his years, as what one cannot call anything else than the heavenly-mindedness—the word sounds unreal and pietistic, but it is the true word—of a man whom every one about him reverenced as almost the greatest saint they knew. The writer may be pardoned for recalling, in illustration of this, a little incident that imprinted itself deep on his mind. It was one day after an Advisory Committee meeting when a few of us, including Dr. Rainy, remained behind to adjust some document. While the law-agents drafted it, the Principal sat back in his chair looking out of the window to the evening sky with that wistful expression which his face often had in repose. I ventured to go beside him and tell him something about the death, which had recently taken place, of Mr. George Brown

of Pau—his cousin and lifelong friend, and a man of great culture and remarkable purity and happiness of nature, for whom Dr. Rainy cherished a warm affection. The Principal turned and, with what was nothing less than zest, plunged into a conversation—I should call it rather a monologue—such as only a man whose spirit was dwelling much in the unseen could have uttered. He spoke first of the goodness of God to men of the pure and happy character of Mr. Brown, and 'to all of us.' He spoke next of death, with great gravity. 'It is not a thing,' he said, 'to meet on pagan principles.' He actually described a man 'feeling death stealing over him *to grip him*'—the last words said with a quite startling intensity. Then he went on to speak of the other life, saying we had yet not even the glimpse of 'how wonderful a thing it is.' Much more he said in this strain which I cannot now repeat—solemnly, and yet with a kind of glad familiarity as a man would speak of home. But all the while he had an eye on the business being prepared at the table, and the moment he saw the agents had finished their drafts he turned, almost without a pause in the sentence, saying 'Well, is that paper ready?' and immediately took it up and was engrossed in its very mundane details. I never saw a man so absolutely ready for either world: at the same time, one felt the almost irrationality of it, that a man whose treasure was so manifestly in heaven must wear out his last days in battling about property on earth.

The mundane battle had by this time reached its least edifying phase. Early in the year, the Com-

mission began the allocation of buildings by deciding some 715 cases (of which 659 went to the United Free Church), but over the cases where it was doubtful whether or not the legal Free Church had the requisite third of members and adherents, there arose what was, in places, a somewhat squalid discussion of names and their qualifications. There were many who felt the unseemliness of a competing claim of this kind for a building between two bodies of professing Christians, but it was unavoidable. There were indeed those who felt that it would have been more Christian not to resist and rather to adopt the attitude commanded in such precepts as those about surrendering the cloke or turning the cheek to be smitten. The difficulty about this suggestion was simply that this was not a matter of an individual or private right, which it is in accord with Christianity not always to claim too urgently. As Zinzendorf (I believe) once put it, when this view of non-resistance was put to him, 'I have colleagues, and I cannot allow any one to smite them on my cheek.' The Advisory Committee of the United Free Church —while of course at once admitting any case where the other side clearly had the legal qualification—did not feel called on to let property pass into the hands of the Free Church unnecessarily: and hence arose claim and counter-claim with all the attendant unedifying controversy. Lists of names were sent in. Sub-commissioners were appointed to conduct local inquiries. Evidence was taken at great length, and there is no doubt—it was matter of notoriety and it can do no harm to any one to say it—there was plenty of hard swearing. Most of the trouble arose out of

the word 'adherent' which the Act of Parliament had left—this was one point where the United Free Church had failed to obtain amendment—absolutely undefined. From the point of view of efficient parliamentary draughtsmanship, I think one is entitled to say that a government has no right to pass a bill including an important term which has never been legally defined and which they still definitely decline to define. The consequence was that a considerable number of persons were claimed as 'adherents' of the legal Free Church whose ecclesiastical status was very dubious. But into this we need not enter in this biography. The results of it appeared in the Commissioners' allocations and, much more eloquently and indelibly, in not a few church buildings, given by the Commissioners to the legal Free Church on figures thus made up, and to-day standing either derelict or used by the merest handful of persons, who in most cases have no minister. These are monuments to the Commission's work which probably the Commissioners, if only for their own credit, regret as much as any one, and the blame for which must, in part at least, be placed further back.[1]

This contest over the allocation of buildings went on slowly, and even by the time of the General Assembly —the end of May—little more had been decided or at least publicly intimated. One important and signifi-

[1] It may be convenient here to state the result, and I give it in not my own words: 'Influenced naturally by the optimistic evidence given by the representatives of the Free Church, the Commission allocated to them something like 170 churches and manses and funds amounting to £500,000. How stands the situation to-day? There are over one hundred vacant charges in the Highlands.'—(*The Scottish Review*, November 19, 1908.)

cant intimation, however, was made by the Commissioners in view of the Assembly. They recommended—adding, they would enforce it by declaration if necessary—that the United Free Church should have the use of the Assembly Hall, the other Assembly to be accommodated in the adjoining High Church. Thus the Assembly of 1906 was held in the familiar place, and this of itself gave it a happy and hopeful spirit.

This was Principal Rainy's last Assembly. As retiring Moderator he preached the opening sermon and gave a quiet, spiritual meditation on the first verse of the 103rd Psalm. He proposed Dr. Hutton as his successor with great cordiality, paying the indefatigable voluntary warrior the notable and just compliment that he 'had encountered opposition enough, but had achieved the singular honour that never had his sincerity been impeached or doubt been thrown on his fine and deep integrity.' Principal Rainy continued to discharge the duties of Convener of the Assembly's Business Committee and leader of the House, and did so with all his wonted incomparable efficiency, though he spoke less frequently than had been his wont. The proceedings of the Assembly need be referred to at present only in so far as they bore on the situation in the Church. The following statement, made by the Rev. Dr. Howie—the admitted authority on Church statistics in Scotland—is worthy of notice :—

'In spite of all the losses the Church has sustained in connection with the Union and the decision of the House of Lords there has nevertheless been a net increase in these six years of nearly ten thousand members, and it is matter of special

thankfulness that last year the number of those joining on a profession of faith [1] was higher than it has ever been before.'

The most interesting evening of the Assembly was when Principal Rainy, as Convener of the Highland Committee, presented his report to a densely crowded house. He spoke freely of the situation and also—it was the only occasion on which he did so in public—of the Free Church there. It need not be said he had no uncharitable words to utter, and he had no difficulty in cherishing the impression that many of those adhering to that Church were 'estimable Christian people and worthy of respect'; but 'at the same time it must be said distinctly enough that there were other elements.' Principal Rainy went on to say that the Church thus separated from them 'was to be—could not help being—a reactionary Church,' and that meant 'a Church which placed itself apart and sought to build up the people in traditional views, in traditional experiences, in traditional prejudices and in traditional antipathies.' 'That,' he said earnestly, 'is the very worst service that can be done to the Highlands.' He concluded by saying—and 'he did not feel as if he were called on to be modest about it'—that 'the hope of the Highlands was connected with the United Free Church,' and 'for himself he had not lost a jot of heart in connection with the Highlands.' Some remarkable speeches followed the Convener's address. It was officially stated that the membership of the Church in the 'disturbed area' of the Highland Synods was, at the close of 1905, only

[1] *I.e.* those coming to first communion, as differentiated from persons bringing certificates of membership from other churches.

seventy-four less than it had been at the close of 1899, the year before the Union, so that whatever loss the Union or the judgment had entailed, had now been practically made up.[1] The reasons of this appeared in the speeches of many Highland ministers who followed. Speaker after speaker—many of them evicted ministers—told of the brighter outlook for the mental and moral and spiritual welfare of the Highlands. Most especially was there a new interest among the younger generation, and that not merely in intellectual life but also in spiritual, and the superstition was being broken which had made the Communion Table a place only for the old. The Assembly heard all this with a glad and grateful heart, and further, sent a special message of sympathy to evicted ministers and congregations and a promise of speedy help. The whole spirit of Dr. Rainy's last 'Highland night' was one of cheer. As his thoughts went back to his long and laborious and sacrificing convenership, he must have felt it had not been in vain that he so patiently worked through the sad old days of disunion and dispeace and that now a better day was really dawning.

It was, as has been said, Principal Rainy's last General Assembly. One still recalls his figure on the

[1] This applies only to members: the figures for 'adherents' are not available in statistical returns. With regard to the latter, the Rev. Alexander Lee, the Secretary of the Highland Committee, made the interesting remark that 'from 1843 to 1900 the Free Church had been the National Church in that region of the country, and there were many who at least could say that they went nowhere else.' This meant that not a few of the so-called adherents of the legal Free Church were of the type who always say they belong to the National Church if a census is taken, but whose connection with it goes little further.

closing night. There is something strangely touching and impressive about the close of an Assembly, and it must be peculiarly so to those who feel they probably will not see another. The roll of ministers and prominent elders who have died during the year is read. The Moderator gives a closing address and, at its finish, the following simple service is observed. The Moderator, rising again, declares in time-honoured terms, which are rigidly adhered to, that 'as this Assembly was constituted in the Name and by the authority of the Lord Jesus Christ, the only King and Head of the Church'—as he says it, how Scottish history attests the phrase!—so, 'now in the same Name'—and at this invocation, all rise and stand—'and by the same authority, I dissolve this Assembly.' Then he appoints the next to meet in the place and on the date which had been resolved upon. Prayer follows, and thereafter are sung, to a traditional tune, the closing verses of the 122nd Psalm, beginning with the words:—

'Pray that Jerusalem may have
Peace and felicity.'

Finally the Moderator pronounces the Benediction. It is all so simple as scarcely to stand description; yet to a Scottish Churchman with faith really to believe in the Church (which, as the Creed tells us, is something to believe in and not merely see with the outward eye) and with historic knowledge and vision, it has often seemed as if, during that simply and yet significantly ordered service, there throng in silently a crowd of witnesses from the chequered yet heroic past of the Church of Scotland, and of even a wider fellowship;

and men in the struggles and labours of their soon finished day are linked on to great memories and lifted up to holy hopes. It is not fanciful to suggest thoughts such as these as one looks at the venerable figure of this historic Scottish Churchman standing for the last time to take part in the close of a General Assembly.

With this Assembly closed Dr. Rainy's life-work. There is no doubt that it fatigued him more than he would admit or was by others realised at the time. Little more than a month later, the glandular affection in the neck reappeared and rapidly developed in a way to cause real anxiety. Not only had the former swelling grown, but there were signs of the formation of another. A medical consultation was held. The trouble was diagnosed to be 'senile tuberculosis,' but it was not thought to be of a malignant character. The result is told by the Principal himself in the following letter to Dr. Ross Taylor :—

'I would like you to know from myself how things stand with me. I have had three excellent surgeons in consultation, and I thought by this time I should have been ordered to have an operation to remove the affected glands in my neck. But after repeated consultations, they wish to try first to bring the parts into a more favourable state for operation. Accordingly they have ordered very special treatment, and I am to go to North Berwick to go through with it. Meanwhile I am not to talk more than I can help and attend no meetings or committees. I am not absolutely prohibited from correspondence, but must forgo continuous attention to details. If this succeeds in effecting the immediate object, I take it the operation will follow—and then, if God will, the process of healing up. I am sorry to be set aside in this way, but apparently it must be.'

Principal Rainy accepted the prospect of this impending operation with characteristic cheerfulness and obedience. His words were: 'I have had a very happy life. God has been very good to me. Whatever is His dear will, I shall do it gladly.' To his elder son, Dr. Rolland Rainy, M.P., he wrote the following letter:—

'My dear Rolland,—I greatly value your frank and affectionate letter. I have always realised with gratitude the remarkable affection and loyalty of my children to your dear mother and myself.

'I do not feel nervous about the operation. I know that doctors must speak hopefully to patients, but I scarcely think they are in this case so apprehensive as you are. But I quite understand that, at my time of life especially, accidents may happen and results expected may fail to be realised. They do not expect to have serious difficulty with the vessels; they must interfere a little with the facial nerve. But I take it much depends on whether the tumour is non-malignant, as the doctors incline to hope it is. If it is genuinely malignant, I must say I distrust the power of operation to effect final cure, though I suppose it may prolong life more or less.

'Well, one desires to be ready, and readiness is God's gift, for which I humbly pray. I am conscious of having come infinitely short—especially in thoroughness, inward consistency and living up to what I knew and what I preached. I would not say to any human ear what I think about that. I can only listen to the gospel of the forgiveness of sins. Salvation is all wonderful—most wonderful.

'Now, my dear fellow, you have been a great comfort to me. And what your mother and I owe to dear Balla,[1] it would be difficult to say.

'You must not be too much moved over my prospects. You have had me, for good or ill, for a pretty long spell, though I know you will be the last to say that the veteran lags superfluous on the stage.

[1] Mrs. Rolland Rainy.

'We will take it coolly, as it turns out to be in the day's work. And we are in good hands.

'God bless you always.'

The news of Principal Rainy's illness soon became public, and it evoked wide sympathy. Of his many correspondents, I shall refer here only to one. To his life-long friend, Mr. Taylor Innes, the Principal wrote the facts of his case at some length, and closed his letter thus :—

'It is a long time since you and I became friends and we have tried to serve the good cause. We cannot be *very* far from the end of our pilgrimage, though we need not prematurely fix boundaries for it. The longer I live the more important and wonderful does the forgiveness of sins seem to me. May God fill us with all peace and joy in believing that we may abound in hope through the power of the Holy Ghost.'

To this, Mr. Taylor Innes replied in the following letter which I quote, partly because the letters a man receives, as well as those he writes, indicate his character and influence, and partly because it truly describes the culmination of the career now drawing to its close :—

'My dear Rainy,—I feel deeply the extraordinary kindness of your letter to-day. I had been in two minds about writing you ; but the mere announcement that at your age you were not in the meantime to take the routine work of Committees did not alarm me. They will feel very helpless without you. But really you have been enabled, beyond all expectation and in a strange crisis, to lay the lines and build the foundations for all their present and future work. I thought so and said so on the evening of the Commission of 10th August 1904 ; and the year that followed that prophecy more than fulfilled it. For even if that crisis were for you, as you described it to me, "the last great strain of my life," it will be found to have expressed and summed up that

life, and made it luminous to posterity, in quite another sense from what could have been attained by all those years of great service, had Providence not thought fit so to crown them. For these reasons, I would not have regretted a mere time of rest from toil, which, besides, would have given space for the utterance of many things, seminal and plastic, for the future, such as I and others have hung upon you for, during forty years now. But these things don't go as those who love us here would plan. . . . For myself, I have followed the strongest and wisest man of all whom I have known. But I have never taken so much interest in your natural gifts or in the achievements by which you will be remembered, as in your outlook upon and entrance into the Divine. Your voice is still to me, more than any other, the voice of conscience and of God, and the assurance that a Promise has come into the world. And many who have heard and responded to that Promise as I have not done, will join with me in daily trust and prayer that all its strength and all its tenderness may now be made good to you from day to day.'

During the month of August, Dr. Rainy rested quietly in his home at North Berwick—he had a house there to which he went every summer—his symptoms remaining little changed. But in September, several new glands in different directions became affected. It thus was made clear that the trouble could not be extirpated by a single operation, and that indeed more than two operations would be necessary. Moreover, this showed that, even if these operations were carried out, it would not hinder the emergence of new swelling. In these conditions, the opinion of the consulting surgeons turned from the idea of an operation, and the proposal was made—or rather revived, for it had been thought of much earlier—that Dr. Rainy should go off for a long voyage in the hope that his excellent general health and strong constitution might thus be enabled

to master the morbid tendencies in the glandular swellings. Moreover, an opening for such a plan seemed almost arranged in the circumstances of his family. His daughter, Mrs. Harper, was not able to stay longer in this country—Principal Harper had left early in the year—and proposed to return to Australia with her family in October, so that Dr. Rainy could go with her and have her care and company ; while, if all went well, he might return in the following year with his son George, whose furlough would then commence. The question of what should be done was a difficult one, for it need not be said that for a man in Dr. Rainy's condition and at his time of life to undertake so great a journey was both a grave consideration and a real personal wrench. 'The question always returns to me,' wrote the Principal to Dr. Ross Taylor on 8th October, 'whether I should not go on with my usual duties and responsibilities till the breakdown comes.' Five days later, however, he wrote, with a clear mind, to his son Rolland as follows :—

'My dear Son,—I thank you for your loving letter. I have been singularly blessed in the love of my children. They all think infinitely more highly of me than they ought to think ; but of that I suppose I must not complain. When a man after eighty years still retains the regard and love of those who know him best, that man has much to be thankful for. For my part, I would have accepted an operation quite willingly ; and now I accept the voyage very cheerfully. I keep in view always what you say—that very possibly, I may never return. But I have no forebodings—I suppose because my general health keeps good and the pleasure of living still remains—and I do look forward to coming back with George, if it be God's will. I confess I don't count on these swellings turning out quite so innocent as the doctors seem to hope. But I am very

thankful that I can look forward to the alternatives without any nervousness. I am rather conscious of and afraid of taking things too easily. Pray for me that I may be brought and kept near to God. I pray often for you in reference to your public responsibilities.'

When it was publicly announced that Principal Rainy was about to sail for Australia, the Church received the news with a kind of incredulous stupefaction. When, however, the pathetic necessity for the step became better understood, a feeling of profoundest sympathy and interest was aroused, and, in the few weeks remaining before his departure, the Principal received countless letters and many callers, including persons of eminence in the country. His general health was so good that it almost deceived a visitor, while he was invariably calm and even cheerful. At the same time, there was often in his face an inscrutable expression that betrayed the real trial it was to him to go. The date of his departure from Edinburgh was fixed for 24th October, and he was to sail from London by the *Geelong* for Australia *viâ* the Cape—this route being chosen for the sake of the longer sea-voyage—two days later. It was difficult for the Church to realise that, within a month, one who for more than a generation had been almost part of her very structure, would no longer be seen in her midst.

His last public appearance—indeed his farewell to the Church—took place on the 17th October, when he presided at the opening of the session of the New College, a week before his departure. The last sentence of the prayer with which he opened the proceedings

printed itself on the memory of one who was present and who subsequently recorded it and has sent it to the writer: 'Grant that whatever in Thy good providence may be before us, we may have the assurance that Thou art perfecting that which concerneth us, and wilt not suffer one good thing to fall of all that Thou hast spoken to us.' It did not form the duty of the Principal to deliver the address on this occasion, but at the close he said a few words. Speaking amid a silence that could be felt, he said :—

'He was there to say to them for the present farewell, and also to wish them heartily Godspeed. He felt he had no choice but to obey the orders he had received, but he certainly went from the College and from the Church's work with a great deal of reluctance. That, however, was fixed.'

The last words were said with that finality so characteristic of Dr. Rainy's manner of speech at times. Then he went on to refer to the time of trouble through which the College was passing—the College buildings had not yet been restored and this opening lecture was given in the High Church—and expressed the earnest hope that the time of suspense would soon be ended. He called on the students 'resolutely and cheerfully to make this session not merely an average but a memorable session.' Then he referred more generally to the call there would yet be on the resolution and the liberality of the Church, the extent of which could not yet be estimated, and concluded with these words which may be given verbatim :

'If there is one thing which, on my part, I desire, which I more than desire—I believe it is in many hearts—and about which I am deeply concerned, it is that when that day comes,

the Church may be found—and I believe she will be found by God's grace—whatever the claim is, whatever the difficulties are, whatever the emergency may turn out to be, with the same calmness, the same courage, the same trust in God and the same cheerfulness with which she had met the great blow of August 1904. That is what I hope for. That is what I shall be listening for far away. And that is what, I trust in God, if God is pleased to spare me, I may come home to see.'

His words were never more fitly spoken and, one may add, never more beautifully spoken. Dr. Rainy once said that 'the ideal of utterance is that it should attune itself to all the movements and changes of the thought and especially of the feeling, and, as the words clothe the thought, so the voice should be the last ethereal and exquisite vesture which clothes the words, embodying and revealing the last fine play of feeling.' [1] His own parting words to the Church were uttered with a simplicity and yet movingness of tone which was indeed their 'exquisite vesture,' and the confidence of the trust which they expressed gave his voice a ring that seemed almost to promise that he would yet 'come home to see' what thus he so bravely looked for. His appearance too was still strong: the shoulders, on which his scarlet hood gleamed, were squared and erect, and the head was, as ever, proudly poised. There was nothing to suggest that the hope of recovery he had reverently expressed might not be realised. But that was not to be, and this was the last time the Church was to hear his voice.[2]

[1] From a fragment of a class lecture on pulpit work.

[2] The imminently pressing part of the future demand spoken of in the passage quoted from Dr. Rainy's address is mentioned in the last letter, dated 12th October, I received from him and in which he said: 'What I am most concerned about is the Church meeting resolutely and worthily

Three days later a notable announcement was made, which included a pleasant parting gift to the Principal. The Commission, on 20th October, published their allocation of the Foreign Mission funds and properties of the Church, all of which were apportioned to the United Free Church, and also their decision as to the destination of what had often been called 'the citadel'—that is the Assembly Hall and New College. These were finally allocated also to the United Free Church and with the following interesting note :—

'The Commission are of opinion that this allocation makes the best use of the buildings and is in accord with their historic interests and claims.'

The neighbouring offices of the Church were allocated to the legal Free Church with a sum with which to fit them up as a College. The date at which the United Free Church was to re-enter the College was fixed for the 1st of January 1907. It would have been Principal Rainy's eighty-first birthday. But he did not live to see it.

Meanwhile, the Advisory Committee—from the meetings of which he had, of course, been absent for now more than three months—sent him a message of farewell and Godspeed. At a meeting of the Committee on the 23rd October, he unexpectedly

the call that will be made upon her to meet the necessity of housing her expelled congregations.' It may not be out of place to mention here how the United Free Church met the demand so made. As the result of the Commission's allocations it was found that churches and manses had to be built at a total cost of £150,000. This large sum—though following so soon after the Emergency Fund which also reached £150,000—was all subscribed by 1908.

appeared. He took the chair as of old; the business began as usual, and proceeded for a while. Then, suddenly and in the simplest manner, he said he was touched by the kindness of the Committee's message to him and added, 'I am sorry to go.' He said nothing more, but rising quickly, passed with a smile on his face out of the room. The chair was taken by Mr. William Stuart Fraser, W.S.,[1] who was joint-Convener, and the business resumed. One hardly realised what had happened—it was so swift, and so simple. Yet what had happened, when that venerable figure slipped smilingly out of that room, was that an epoch in the Church history of Scotland was at last ended.

Later on the same afternoon, I called to say good-bye to Dr. Rainy, and one incident in that brief visit may be mentioned here without, I trust, presumption or impropriety. Just before rising to go, I felt I had never frankly told the only man I would ever call Master what hundreds of his students owed to him alike for intellectual and ecclesiastical guidance and, even more, in things far deeper and more sacred. I said a few very halting words. When I had finished he did not answer, and looking up, I saw his eyes were filled with tears. After a silence of several moments, he replied in a voice the humility and gentleness of which one can never forget, and the

[1] It is impossible to mention Mr. Stuart Fraser's name here without saying with what devotion and adequacy he carried on the work of the Advisory Committee in the great blank made by Dr. Rainy's departure. And with him should be named Mr. John Nicholson, upon whose shoulders lay the burden both of the Emergency Fund and the Building Fund mentioned in the previous note. Upon these two laymen, more than on any one else, the Church leaned when her great bereavement came.

words were, 'I am truly grateful if my brethren think I have been of any use.' But for a kindly farewell, these were the last words I heard from one whom, in the well-known phrase of the *Phaedo*, 'I may truly call the wisest and justest and best of all the men whom I have ever known.' [1]

Next morning, a small company—including Dr. Whyte, Mr. Taylor Innes, and others—gathered at the station to see him off. He was still cheerful but said little. He repeated, 'I am sorry to go.' His last words and farewells were, of course, to the members of his own family whom he was leaving. Mrs. Harper and her children went with him, and also two maids who begged to be allowed to attend to him and who went all the way to Australia. The party sailed from London two days later.

In all this was, as every reader must feel, real pathos. And in the above brief narrative, I have not ventured to enter within the sacred circle of the family where the pathos of it was most deeply felt. Only one incident within the home I shall mention. On his last Sunday before leaving—a day of peculiar sacredness in which the family had been present at a special celebration of the Communion in Roseburn Church, of which Dr. Rainy was an elder—when, in the evening, some hyms were being sung, he asked his eldest daughter (whose voice he used to say recalled to him her mother's) to sing Whittier's hymn beginning, 'When on my day of life the night is falling.' I shall quote the verses, as every reader may not have

[1] *Phaedo*, 118, *fin.*

immediate access to them, and each stanza has its appropriateness for the circumstances:—

'When on my day of life the night is falling,
And in the winds from unsunned spaces blown,
I hear far voices out of darkness calling
My feet to paths unknown,

Thou, Who hast made my home of life so pleasant,
Leave not its tenant when its walls decay;
O Love Divine, O Helper ever present,
Be Thou my strength and stay.

Be near me when all else is from me drifting,—
Earth, sky, home's-pictures, days of shade and shine,
And kindly faces to mine own uplifting
The love which answers mine.

I have but Thee, my Father; let Thy Spirit
Be with me then to comfort and uphold;
No gate of pearl, no branch of palm I merit,
Nor street of shining gold.

Suffice it if—my good and ill unreckoned,
And both forgiven through Thy abounding grace—
I find myself by hands familiar beckoned
Unto my fitting place:

Some humble door among Thy many mansions,
Some sheltering shade where sin and striving cease,
And flows for ever through Heaven's green expansions
The river of Thy peace.

Then, from the music round about me stealing,
I fain would learn the new and holy song,
And find at last, beneath Thy trees of healing,
The life for which I long.'

When his daughter had sung this hymn, he requested it be sung to him again.

In it all, as has been said, is a pathos which every reader must feel. It is indeed a touching thing for an old man to be thus called to go away from his work and his home and the graves of his dear dead, to set forth on a journey to the ends of the earth, knowing in his heart how uncertain, how unlikely, is his return. To the eye of the spectator it is sad and almost bitter. And even though there so manifestly was that about Dr. Rainy's faith which was intrinsically superior to any incidents of fortune, still there was a sensitiveness in his humanity which made this trial for him all the sharper. Yet there is a deeper aspect of it which was full of a Divine kindness. By no other means than by such an entire removal from the work and anxiety still pressing on the Church, could it have been so well provided that this too long burdened servant should secure a time of uninterrupted quiet with God before being called home. Dr. Chalmers used to desire that the seventh decade of life should be a Sabbatic rest. Dr. Rainy had had no such lengthy respite from labour and battle given to him; but he was given at least this one quiet hour on the Saturday night before the eternal day dawned.

There is a verse in the Book of Job,[1] the rendering of which in the Vulgate is a prayer which might surely not unfitly have been breathed by the Principal in his old age: *Dimitte me paululum ut quiescam donec optata veniat dies*—'Let me free for a little that I may

[1] Job xiv. 6. The correct translation and the context are, of course quite different from the free rendering referred to above.

have quiet till the longed-for day comes.' As, in a concluding chapter, we watch the sunset, we shall see that such a prayer as this found for him its answer in the strangely pathetic yet most gracious journey over the wide seas to die.

CHAPTER XXX

THE LAST JOURNEY AND THE END

THE voyage was, in all outward respects, a most prosperous one. The weather was propitious and the ship made an excellent passage. The heat was never very great and—especially after the Cape was passed—the sea was generally smooth.

Dr. Rainy entered into his new conditions of life with enjoyment. He had always loved the sea, and on board ship could take his meals, regular exercise and sleep with entire comfort. He liked to lie on his long deck-chair and watch the bright sky and the wide waters. During the earlier days of the voyage he talked with animation to those round about him.[1] He also read a good deal, taking in hand solid books, such as Lord Acton's works and the volume on the Renaissance in the Cambridge Modern History, but he admitted a difficulty in getting through them; and later he read Sterne's *Sentimental Journey* and

[1] The Captain—for whom Dr. Rainy formed the highest regard—tells how one day the Principal plunged into a description of the handling of a vessel in difficult circumstances which he had observed on one occasion in the course of a journey on the Mediterranean. It was given with remarkable fluency and also accuracy of detail. 'I couldn't have reeled it off like that,' was the Captain's comment on Dr. Rainy's account of it; 'it shows an extraordinary close knowledge of ships.' The 'close knowledge' of particular lines of life was a thing which, as has been indicated more than once in foregoing pages, experts were frequently struck with in Dr. Rainy's conversation.

Marryat's *Peter Simple,* and even Meredith's *Egoist.* He also enjoyed Chaucer. After a while, however, he read only the Bible—reading it (as Dr. Whyte once illuminatively phrased it) 'as if he had never seen the Book before.' He used chiefly a fine two-volume edition of the Greek New Testament which his son Rolland had given him.

The following extract from a letter written on 30th October to his eldest daughter indicates his general good spirits in the earlier days of the voyage :—

'We land passengers at Las Palmas, so we shall be able to post letters there. Beautiful passage so far—a little rolling, but only moderate. No sea-sickness in our party. The ship is fairly full but not crowded : no objectionable people so far as we can see. For myself, I have enjoyed myself very much. Yesterday and to-day, I feel a little tired—the reaction from the exertion and excitement of leaving and the new way of life on board. A quiet day or two will set me all right. It is getting warm, but we have a fine breeze. I am sitting in my State-room, under the port, writing letters to various persons. Bartie[1] and I have divided that task between us. Every one aboard is most comfortable. Captain Ilbert is one of a thousand. The children are perfectly at home and making friends all round, especially among the ladies. Never was a man so well looked after. There is no news except that there is to be a fancy ball : Bartie and I have not yet settled our costumes.'

On the 11th November, Dr. Rainy conducted divine service and preached his last sermon. The subject of the sermon was St. Luke xii. 35-40—the passage exhorting men to have the loins girt, looking for the Lord's coming. In the course of the sermon, in speaking of the 'watches' in which it is said the Lord may

[1] Mrs. Harper.

come, he remarked it is 'perhaps not altogether fanciful' to divide the life of man into 'three watches.' The first is child-life, 'when we have not yet begun to awake to the seriousness of life and only see the bright and joyous side'; and the third is age, 'when our experience of life is ripe, but when we feel the ties that have bound us to earth gradually but surely loosening their hold upon us and we are forced to look on to the great end.' But, the preacher continued, 'there is a second period of life—let us call it the middle watch, though it may be the last,' and it is 'the time when we are in greatest danger of forgetting watchfulness.' Very simply and earnestly he said of this :—

'When the cares of business, the pleasures of society, the greed of gain, and the glamour of the world threaten most to choke out the good seed from our hearts,—then is it we need to pull ourselves together, to strive to realise we are not living for this world alone, and to listen most intently, amid the confusing voices of earth, for the rustle of the angels' wings.'

In closing, he came to the verse, 'Blessed are those servants whom the lord, when he cometh, shall find watching; verily, I say unto you that he shall gird himself and make them sit down to meat and shall come and serve them.' He leant across the high desk covered with the Union Jack, and placing both arms underneath the Bible—hugging it, as was sometimes his habit in the pulpit—he said with great solemnity :—

'What does this mean? The serving of the servant by the Master. Dear friends, I cannot tell what it fully means. "He will come forth and serve them": what a pregnant description of our Lord's condescension and His servant's exaltation—the Master girded, the servant sitting—the Master serving, the servant sitting down to meat! What does it

mean? Let us pray that one day we may know what it means.'

His prayers impressed many of the hearers even more than the sermon—they were, as one said, 'so unutterably simple and yet so weighted with the experience of life and full of love and trust and peace.' He got through the service, but it was an effort for him.[1]

On the 13th, in closing a letter to his son Rolland, Dr. Rainy wrote :—

'We shall not reach Table Bay till morning of 16th—head winds and currents. I shall not go ashore there, for I should burden others. To-day, I think I am better than ever. Excellent spirits: good sleep: more up to exertion. Good deal of sea on. We have hardly had the ports of my cabin shut the whole voyage. Captain and Stewardess pet me in every way. Preached in Saloon last Sunday without any bad effects.'

On the day before the steamer reached Cape Town, he wrote the following last letter to Dr. Ross Taylor :—

'My dear Friend,—We do not reach Cape Town till to-morrow morning, but we have been getting letters ready for a day or two.

'I think of things at home continually and pray daily for our Church and for you in particular. May you be strengthened with all might and guided continually by the great Shepherd. I am sure if we attained more simplicity in telling our Father that we cannot do without His guidance, we should have greater peace and greater success.

'I feel that situations and questions may arise in which a magnanimous and generous course must be the Salvation of our Church. That must be inspired by His good Spirit. And, amid all our shortcomings, why should it not be expected?

[1] For some of these recollections of Dr. Rainy's last service I am indebted to the Rev. H. Deacon of Cape Town—an Anglican clergyman who was on board the *Geelong* and kindly sent me notes of the sermon.

Remembering all we have come through, I find myself saying, "If the Lord had been minded to slay us, He would not have shown us such things as these."

'I have had many pleasant hours aboard, thinking of all the branches of the Church—as dear to their members as ours is to us—and also I hope, of more central subjects. I understand better now how a period of pure idleness may have its usefulness.

'God bless you and yours.

'This is a beautiful day—a wide expanse of heaving sea, with a brisk breeze and the ship quite lurchy. This must excuse my handwriting. Remember me specially to Mrs. Taylor. ROBERT RAINY.'

It was after Cape Town was passed that a change began to be observable.

There was no pain or distress, but the vitality steadily lowered, almost each day his whole system seeming to be on a lower key. Gradually he gave up going into the saloon for meals and even going on deck. Every one on board was full of interested sympathy. The Captain sent from his own cabin a large armchair, which was a great comfort, and daily found some new kindness he could render. The doctor's attention was unremitting. The purser and the cook did everything in their power. A special steward was told off to attend to him. And among the passengers, most sympathetic friends were found—especially one, the wife of a Colonel in the Indian army, whom Dr. Rainy called 'Lady Bountiful.' His daughter's loving care and the invaluable assistance of the two devoted maids need not be told.

Dr. Rainy lay in his cabin with every obtainable comfort and with much ease, but his weakness increased rather than diminished. He was very quiet, and obviously spent a great deal of his waking time in

communion with the Unseen. He generally lay with his head propped up, his eyes closed, his hands clasped on his breast and—as was noticed by those who entered the cabin unperceived—his lips moving in silent prayer. He conveyed to those around him a wonderful impression of being already within the secret of the other world.

But he kept up his interest in life. He liked to see the children, and they came into his cabin usually once a day. On one occasion, he said to one of his granddaughters : ' Do you know what you do ? You make grandpapa very happy. Will you remember that ? '

He read little now for himself, but his daughter read to him usually from the volume of Scripture texts called *Daily Light*. One day when she had finished, he said, ' And it 's all true, Bartie—that 's the wonderful thing ; it 's all quite, quite true.' On another occasion he said, ' For myself, when I come to die, I think it will be with this prayer in my heart, " God be merciful to me, a sinner." '

He evidently knew he would not live to return home. He said : ' I overrated my powers of standing a long voyage. I had still so much joy in life and I felt so well. But, even so, I don't see how I could have done otherwise when the medical advice was so clear. No one must say I regretted it : I do not do that.' He spoke touchingly of how some became unreasonable to others when the last weakness was on them, and said : ' I would not like to be like that, if it were God's will to take me sooner.' He expressed to his daughter the wish, if it were not ' unreasonable,' to be ' laid beside your dear mother.'

He liked to hear the 23rd Psalm read, and also some hymns—a favourite being Bernard's 'Jesus, Thou joy of loving hearts.' One day he asked for the hymn he had twice requested should be sung to him before leaving Edinburgh—Whittier's 'When on my day of life the night is falling'; but with characteristic consideration, laid his hand on his daughter's as she was finding it and, feeling it might be too trying for her, asked if she would 'rather read another.'

Again and again, he said encouragingly to those round about him: 'It 's all right, I 'm in safe hands —good hands.'

Thus quietly the days passed on.

Adelaide was reached on 4th December. On the day before, Dr. Rainy had a kind of collapse, and there were signs of a danger of heart failure. He rallied; but the doctors—a second had come on board with the pilot boat at Adelaide—insisted that a warning message must be sent home in view of the possibility of a graver one. This was the first tidings the home country had of Dr. Rainy's critical condition, as the last news from Cape Town had been encouraging. At Adelaide a trained nurse was obtained. Also Principal Harper joined the ship to be a new strength to the party to the end. Dr. Rainy revived at the sight of him and welcomed him with animation.

The next few days passed uneventfully, and on 8th December Melbourne was reached. Here his cousin—the Hon. James Balfour—and others were waiting to meet him. The landing was managed with much care and skill, and the Principal—having given his blessing to the Captain and others in the ship—was conveyed

without fatigue to a house in the suburbs, which was to be his last earthly dwelling. It was the house of Mrs. Cairns—the widow of the Rev. Dr. Adam Cairns, a minister who did great work in the early days of the Presbyterian Church in Australia. Mrs. Cairns was a devoted churchwoman, and her whole house was arranged with a view to the comfort of one whom she so venerated and loved as she did Dr. Rainy. It is right that the Church at home should know that, while it was the Will of God that Dr. Rainy should die in a land, interesting to him for many ties but still far from the country where his great life was lived, yet hardly anywhere could his immediate surroundings have been more sympathetic than in this house. On the very walls of the room where he lay, hung the portraits of Cunningham and Candlish, the one his master, the other his almost father. It was forty-five years since the young minister of the High Church had been summoned to Cunningham's death-bed : it was thirty-three years since the dying Candlish committed the charge of the Assembly to the young professor of Church History. Amid memories and in surroundings such as these, Dr. Rainy passed his last days on earth.

The Melbourne doctors who were consulted came definitely to the conclusion that it was a clear case of lymphadenoma. For this no cure is known, and even treatment which, in some cases, retards its progress, could hardly be given to an octogenarian. Those round about the invalid could now do little more than pray God to take him gently and without suffering. This prayer was answered.

Into the sacredness of these last days—and especially

into his tender relations with his own dear ones—the writer must not intrude. Dr. Rainy was full of loving thoughts, naming the members of his family one by one, and particularly—with terms of endearment—his wife. A few of his less private words may be recorded.

One day, after Principal Harper had prayed with him, he said: 'That helps me. It is good to have another's experience of the same thing—of the love of God. I wonder at the love of God to me, as He has shown it all my life.' Then he added, 'And I believe that, notwithstanding all my shortcomings, I am not shut out, but—shut in.'

On another day, when Dr. Harper had quoted the words of the paraphrase—

> 'A hope so great and so divine
> May trials well endure'—

Dr. Rainy interjected a 'yes' with great firmness.

He received with much feeling a cablegram of sympathy sent from his colleagues in the Senate of the New College. He asked that it be read more than once. 'Praying for me,' he said.

Later, his speech grew feebler and the words were spoken more slowly. One morning he looked straight at his daughter, and said, faintly but intelligibly: 'I am quite sure . . . that . . . when all . . . is said and done . . . we are . . . in wiser hands . . . in . . . God's . . . hands.' Then, taking hold of her hand, he repeated with great emphasis, '*I am quite sure . . . and . . . I am satisfied—quite satisfied.*'

His daughter, some time after, asked him if he had

any message for the Church. The answer was indistinct. She repeated what he had seemed to say, asking 'Did you say God will guide the Church?' 'Yes,' he said with marked emphasis, 'always, *always*.'

Sometimes his utterances were not easy to hear and sometimes he wandered a little. But there was no pain or distress. Not only his faith and courage and patience continued, but his unfailing courtesy and gentleness. The nurses (one of whom was a Roman Catholic) had no words with which to express their admiration and reverence, and, with tears in their eyes, wished he would give them more trouble.

The end came, with the utmost gentleness, on December 22nd. His last act was to lay his hand on the head of his daughter who was kneeling by the bed and to murmur a blessing. Thereafter he lay apparently unconscious. Shortly before nine in the morning, the end seemed to be approaching. Dr. Harper committed his soul to God. Then, the eyes opened, but they saw nothing of this world. The breath came more and more softly. The watchers hardly knew the moment when he breathed the last. So tenderly God took His servant home.

After death, the face bore a lofty calm that was not less than majesty.

On Monday, the 24th, the coffin was temporarily deposited in the beautiful cemetery of Kew in the outskirts of Melbourne, a service being held in Toorak Presbyterian Church. On the same day, a service was held in Edinburgh in the Assembly Hall—the first occasion on which the Hall was used after its

restoration to the United Free Church. The body was subsequently brought home on the same steamer as that with which Dr. Rainy had voyaged out and under the care of the same captain. The funeral took place in Edinburgh on 7th March 1907. The service was again held in the Assembly Hall, which was filled with a great and representative congregation. The corporations of several Scottish cities were represented; also the University of Edinburgh and many other public bodies. Several prominent clergymen of the Established Church were present, and one—Dr. Scott, the leader of the Assembly—took part in the devotions. The service was of the simplest—which certainly was in accord with Dr. Rainy's views of what a funeral service should be. It included the fine old Scottish paraphrase :—

> 'How bright these glorious spirits shine!
> Whence all their white array?
> How came they to the blissful seats
> Of everlasting day?'

which was sung almost with joy. It is a sure tribute to the spirituality of a man's character when the imagination cannot consent to limit its conception of his life by the terminus of the grave. The procession was the greatest spectacle of its kind which Edinburgh had witnessed since Chalmers was carried to his grave with, as Hugh Miller said, 'more than kingly honours.' The day was one of rain, but dense crowds lined the streets and the moving line of black, preceding or following the hearse, extended for over a mile. Round the grave in the Dean Cemetery a great throng gathered, though the words of committal were spoken in a torrent.

Later, the rain ceased and the sun pierced the black clouds with conquering shafts of clear white light. Everything was still, save the vehement voices of the birds jubilating after the storm. His were now the light perpetual, the rest eternal, and the joy unspeakable.

Of the innumerable tributes paid to Dr. Rainy's memory, no account can be given here. But one was of a unique character—unique, probably, in the case of a man not a parliamentarian, and certainly unique in the case of a minister of a non-established Church—and it should be recorded. Dr. Rolland Rainy was asked to second in the House of Commons the motion for the address in reply to the King's Speech at the opening of the parliamentary session in 1907. At the close of his speech, he said :—

'I do not conceal from myself that there were other reasons than personal ones for asking me to undertake this task, and I wish to express my most sincere and earnest thanks for the kindly thought that prompted it'[1]

The leader of the Opposition, Mr. Balfour, who immediately followed, made the following observations on what was covered by this remark :—

'The hon. gentleman, in the concluding words of his speech, made a reference which certainly every Scottish member and I think everybody in this House would understand. It was made with admirable taste and propriety, if he will allow me to say so. He comes of a stock which has borne a great part in some of the most important domestic affairs of Scotland for two generations. The abilities of his father have been shown,

[1] 4 *Hansard*, clxix. 62.

indeed, upon a smaller field than is offered by this House; but all who had the opportunity of watching the late Dr. Rainy's actions, whether they agreed with him or whether they did not—and I was sometimes in the one position and sometimes in the other—uniformly admitted that, had his lot been cast in the political sphere instead of the not less stormy sphere of Scottish ecclesiastical politics, he would have made, not only upon his own country, but on every citizen of the Empire, that impression which we, who have had the opportunity of judging, have carried away of his great powers and abilities.' [1]

The Prime Minister, Sir Henry Campbell-Bannerman, following Mr. Balfour, referred also to Dr. Rolland Rainy's remark and said :—

'His father, who was perhaps personally but little known to the bulk of the members of this Assembly, was a man who was a statesman in a degree which is very seldom reached by those who are passing their lives in the parliamentary field. I always fight shy of the word "statesman" and of the fashion which somewhat prevails of taking a statesmanlike view of a matter. But certainly, if ever there was a man who was calculated by tact, by ingenuity, by straightforwardness of character, by high talents and by patriotic motives, to deserve the name of statesman, it was the late Principal Rainy.' [2]

These are tributes—in the circumstances in which they were delivered, very remarkable tributes—paid by the leaders of the two great parties in the State to one who, however, was and deliberately chose to be, not a statesman but a churchman. They mean that in Principal Rainy, almost alone of modern ecclesiastical leaders, we may see an example of the great governing type of churchman, for representatives of which one naturally looks almost exclusively to long past ages

[1] 4 *Hansard*, clxix. 63. [2] 4 *Hansard*, clxix. 78.

of the Church's history. It is not in the mere events of his career that this is to be seen ; for their theatre was limited. It is in the unmistakable power and nobility in his way of doing them. I find this so admirably and justly expressed in the following passage that I shall quote it at length :—

'The great service he did the Church in his day was by setting the example, and leading the Church to do the same, of a thoroughly high-hearted and grand style of dealing with duties, with events, with assailants. Clear as to his principles, in full possession of the practical forces by which the Church must be moved and guided, he brought to every occurrence, above all these, a grand resoluteness, fidelity and unselfishness, that lifted his cause and all who shared it to a higher platform. In all he did he was a magnanimous Christian ; and by the grandeur of his impulses and the nobility of his attitude, he raised the Church's own conception of her cause and of her work. The great Christian ideas which inspired his action were seen in him undegraded by association with personal littleness, with paltry feelings and paltry ends. Is not this what we need through all the Churches,—a high-hearted Christianity ; conscious of the greatness of the Christian truths and the Christian calling, resolute in the assertion of them, not with the bitter and narrow obstinacy of small men, but with the strength of great principles, of a temper too assured to be passionate or faltering or perplexed ? One should pray for great men—Christian men of great moral and mental stature. It is the privilege of such men to strike keynotes, to step out and take positions which decide instantly how things shall go ; then the chorus of the rejoicing Church rises in harmony with their utterance, the strength of the Church moves and ranks itself behind them, and each man is potentiated into twice his own power by the impulse which he receives and the consciousness in which he shares. Such service he did for the Church of his day.'

No words could more truly describe the grand characteristic of Principal Rainy's churchmanship.

The interest of the words is that they are by Principal Rainy. They are part of a lecture which he gave on Ambrose. But they are also an unconscious portrait of himself. And the words with which the lecture closes are as true if applied to the great Scottish presbyter whose life has been portrayed—so inadequately—in this work as to the great prelate of Milan in the fourth century : ' When God gives such a man to the Church's service, be he Bishop or no Bishop, we may well call him a Prince of the Church.'

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